

KFM House journal, 1997 Vol.3

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**HOUSE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY**

Helena, Montana
April 5, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Page Laura Welker. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/5/97

Correctly engrossed for third reading: SB 273, SB 283, SB 350, SB 365, SB 369, SB 379, SB 381, SB 383, SB 89, SB 284, SB 339, SB 342, SJR 5, SJR 8, SJR 9, SJR 10, SJR 12.

Signed by the Speaker at 4:52 p.m., April 4, 1997: HB 160, HB 533, HB 174, HB 544, HB 377, HB 278, HB 318, HB 421, HB 560.

Delivered to the Governor for his approval at 4:35 p.m., April 4, 1997: HB 316, HB 478, HB 496, HB 466, HB 159, HB 480.

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 4, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 63 sponsored by Representative Harrington on April 4, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 4, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 224 sponsored by Representative Kitzenberg on April 4, 1997.

Sincerely,

MARC RACICOT
Governor

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The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 4, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 532 sponsored by Representative Barnett et al. on April 4, 1997.

Sincerely,

MARC RACICOT
Governor

Mr. Speaker introduced today's honorary pages:

Ryan Cyr, Helena
Katie Smith, Bozeman
Jessie Vincent, Bozeman
Meagan Johnson, Bozeman
Madison Knox, Great Falls

Representative Grinde moved the House recess until 9:00 a.m. Motion carried.

House recessed at 8:08 a.m.

House reconvened at 9:10 a.m. Mr. Speaker in the Chair.

Roll call. All members present. Quorum present.

MESSAGES FROM THE SENATE

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 4/4/97

HB 2, introduced by Zook

MOTIONS

Representative Grinde moved the rules be suspended to permit placement and consideration of SB 269 and all remaining bills on second and third readings and transmittal to the Senate the next legislative day. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 16 concurred in as follows:

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Ayes: Ahner, Anderson, Barnhart, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Adams, Arnott, Bankhead, Barnett, Bergsagel, Boharski, Curtiss, DeBruycker, Devaney, Hayne, Holland, Jore, Keenan, McCann, Orr, Prouse, Rehbein, Vick, Wagner, Walters, Wells.

Total 21

Excused: None.

Total 0

Absent or not voting: Beaudry, Smith.

Total 2

SB 28 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, McCann, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Carey, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Krenzler, Lawson, Masolo, McCulloch, McGee, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Squires, Swanson, Tuss, Whitehead, Wyatt.

Total 32

Excused: None.

Total 0

Absent or not voting: Beaudry.

Total 1

SB 97 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Knox, Lawson, Marshall, Masolo, McCann, Mills, Molnar, Mood, Orr, Pavlovich, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 57

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Noes: Arnott, Barnhart, Bergsagel, Carey, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Keenan, Kitzenberg, Kottel, Krenzler, McCulloch, McGee, Menahan, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 41

Excused: None.

Total 0

Absent or not voting: Beaudry, Ohs.

Total 2

SB 151 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Carey, Ewer, Hurdle, Ream, Sands.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 181 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Curtiss, Dowell, Ellingson, Ellis, Ewer, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, Kasten, Knox, Kottel, Krenzler, Marshall, McCann, McGee, Mills, Mood, Ohs, Orr, Prouse, Quilici, Ream, Rehbein, Rose, Schmidt, Simon, Simpkins, Sliter, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 62

Noes: Adams, Beaudry, Bergsagel, Brainard, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Galvin, Gillan, Harper, Harrington, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Lawson, Masolo, McCulloch, Menahan, Molnar, Pavlovich, Pease, Peck, Raney, Ryan, Sands, Simpson, Smith, Soft, Squires, Tropila, Tuss, Wagner, Whitehead.

Total 38

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 193 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 63

Noes: Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Menahan, Mills, Molnar, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 212 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Barnhart, Bookout, Brainard, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kottel, Krenzler, Lawson, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Simpson, Squires, Tropila, Tuss, Whitehead, Wyatt.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 270 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Arnott, Bergsagel, Boharski, Cobb, DeBruycker, Hagener, Jore, Keenan, Orr, Prouse, Vick, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 287 not concurred in as follows:

Ayes: Anderson, Bankhead, Bohlinger, Cobb, Cocchiarella, Ellingson, Ewer, Galvin, Grimes, Grinde, H.S. Hanson, M. Hanson, Hibbard, R. Johnson, Krenzler, Lawson, McGee, Menahan, Ream, Ryan, Sands, Simon, Sliter, Soft, Swanson, Tash, Tropila, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 31

Noes: Adams, Ahner, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Gillan, Grady, Hagener, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Masolo, McCann, McCulloch, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Schmidt, Simpkins, Simpson, Smith, Squires, Story, Stovall, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead.

Total 69

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 308 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Marshall, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story,

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Stovall, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 63

Noes: Adams, Arnott, Bergsagel, Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Pease, Peck, Raney, Ream, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Wagner, Whitehead.
Total 37

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 310 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 80

Noes: Adams, Arnott, Bergsagel, Brainard, DeBruycker, Devaney, Feland, Heavy Runner, Hurdle, Jore, Kasten, Keenan, Orr, Pease, Prouse, Raney, Vick, Wagner, Whitehead.
Total 19

Excused: None.
Total 0

Absent or not voting: Ohs.
Total 1

SB 271 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 76

Noes: Carey, Cocchiarella, Ellingson, Ewer, Galvin, Gillan, Harper, Heavy Runner, Hurdle, Kottel, McCulloch,

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Menahan, Pavlovich, Pease, Quilici, Ream, Ryan, Sands, Schmidt, Squires, Swanson, Tropila, Tuss, Whitehead.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 275 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Brainard, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Holland, R. Johnson, Keenan, Knox, Kottel, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Prouse, Rose, Ryan, Schmidt, Simon, Simpkins, Sliter, Soft, Squires, Stovall, Swanson, Tash, Trexler, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 59

Noes: Adams, Arnott, Bankhead, Bergsagel, Carey, Cobb, Curtiss, DeBruycker, Ellingson, Galvin, Harper, Hayne, Heavy Runner, Hurdle, J. Johnson, Jore, Kasten, Kitzenberg, Krenzler, McCann, McCulloch, Menahan, Orr, Pease, Peck, Quilici, Raney, Ream, Rehbein, Sands, Simpson, Smith, Story, Taylor, Tropila, Tuss, Wagner, Whitehead, Wyatt.
Total 39

Excused: None.
Total 0

Absent or not voting: Bookout, Hibbard.
Total 2

SB 282 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Arnott, Bankhead, Bergman, Denny, Gillan, Hayne, Heavy Runner, Jore, Kasten, Keenan, Krenzler, Masolo, Peck, Rehbein, Story, Swanson, Tuss, Vick.
Total 18

Excused: None.
Total 0

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Absent or not voting: Boharski.

Total 1

SB 285 concurred in as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, Harper, Harrington, Hayne, Holland, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Tash, Trexler, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 65

Noes: Adams, Anderson, Arnott, Bergman, Bergsagel, Boharski, Brainard, Cocchiarella, DeBruycker, Feland, H.S. Hanson, M. Hanson, Heavy Runner, Hibbard, Hurdle, J. Johnson, Jore, Kasten, Keenan, Krenzler, McGee, Orr, Peck, Prouse, Raney, Ream, Rehbein, Ryan, Sands, Story, Swanson, Taylor, Tropila, Vick, Wells.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 288 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Adams, Bergsagel, Boharski, Curtiss, DeBruycker, Devaney, Feland, M. Hanson, Jore, Kasten, Keenan, Orr, Rehbein, Vick, Wagner.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 266 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney,

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Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 97

Noes: Brainard, Keenan, Wyatt.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 286 concurred in as follows:

Ayes: Ahner, Barnhart, Beaudry, Bitney, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Mr. Speaker.
Total 75

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Brainard, DeBruycker, Feland, H.S. Hanson, Jore, Kasten, Keenan, Orr, Prouse, Rehbein, Vick, Wagner, Wells, Zook.
Total 21

Excused: None.
Total 0

Absent or not voting: Boharski, Bookout, Ellis, Simpson.
Total 4

SB 309 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 93

Noes: Adams, Arnott, Bergsagel, Grinde, Jore, Keenan, Rehbein.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 314 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Clark, Curtiss, DeBruycker, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, R. Johnson, Jore, Kasten, Keenan, Knox, Masolo, McCann, McGee, Mills, Mood, Ohs, Orr, Prouse, Quilici, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 57

Noes: Barnhart, Bookout, Brainard, Carey, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, McCulloch, Menahan, Molnar, Pavlovich, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Tuss, Whitehead, Wyatt.

Total 41

Excused: None.

Total 0

Absent or not voting: Beaudry, Marshall.

Total 2

SB 316 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Arnott, Bergsagel, Boharski, Brainard, DeBruycker, Grinde, Jore, Kasten, Keenan, McCann, McGee, Molnar, Raney, Rehbein, Sliter, Taylor, Vick.

Total 17

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

SB 325 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feiland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Arnott, Barnhart, Bergsagel, Brainard, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Harper, Heavy Runner, Hurdle, J. Johnson, Keenan, Kitzenberg, Kottel, Krenzler, McCulloch, Menahan, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 329 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, Curtiss, Hayne, Jore, Keenan, Orr, Prouse, Walters.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 335 concurred in as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 337 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Adams, Curtiss, Feland, Jore, Keenan, Orr, Vick, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: Heavy Runner.
Total 1

SB 340 not concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bohlinger, Brainard, Clark, Curtiss, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, R. Johnson, Kasten, Knox, Kottel, Marshall, Mills, Mood, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 49

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Noes: Adams, Arnott, Barnhart, Bergsagel, Bitney, Boharski, Bookout, Carey, Cobb, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Holland, Hurdle, J. Johnson, Jore, Keenan, Kitzenberg, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Smith, Squires, Tropila, Tuss, Vick, Whitehead, Wyatt.

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 350 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 365 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Carey, DeBruycker, Jore, Keenan, McCann, Prouse, Vick, Wagner.

Total 13

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Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

SB 369 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Jore.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 379 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Arnott, Bergsagel, Brainard, Curtiss, Jore, Keenan, Orr, Prouse, Wagner.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 381 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Barnhart, Carey, Hurdle, Tuss, Wyatt.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 383 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Adams, Boharski, Brainard, DeBruycker, Denny, Feland, Galvin, Hurdle, Jore, Keenan, Orr, Pease, Prouse, Rehbein, Smith, Story, Vick, Whitehead.

Total 18

Excused: None.

Total 0

Absent or not voting: Harrington.

Total 1

SB 273 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel,

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Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Heavy Runner, Hurdle, Menahan, Pease, Whitehead.

Total 5

Excused: None.

Total 0

Absent or not voting: Hagener.

Total 1

SB 283 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 69

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Pavlovich, Pease, Raney, Ream, Ryan, Sands, Schmidt, Squires, Swanson, Tuss, Whitehead, Wyatt.

Total 29

Excused: None.

Total 0

Absent or not voting: Dowell, Ellis.

Total 2

SB 284 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

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Noes: Arnott, Boharski, Jore, Keenan, Masolo, McCann, Taylor.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 342 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Arnott, Bergsagel, Bitney, Boharski, Brainard, DeBruycker, Devaney, Feland, Hayne, Jore, Kasten, Keenan, McGee, Prouse, Rehbein, Vick, Whitehead.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 89 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Arnott, Ellingson, Jore, Keenan.

Total 4

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

SJR 8 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Adams, Arnott, Bergman, Boharski, Curtiss, DeBruycker, Devaney, Hayne, Jore, Kasten, Keenan, McGee, Orr, Rehbein, Simpkins, Smith, Vick, Walters, Wells.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 9 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Adams, Arnott, Boharski, Brainard, Jore, Keenan, Orr, Prouse, Vick.
Total 9

Excused: None.
Total 0

Absent or not voting: Bookout.
Total 1

SJR 10 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout,

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Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 82

Noes: Arnott, Barnhart, Boharski, Devaney, Gillan, Hayne, Heavy Runner, R. Johnson, Jore, Kasten, Keenan, Marshall, Molnar, Peck, Prouse, Vick, Wells, Wyatt.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 12 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Arnott, Bergman, Jore, Keenan, Orr, Rehbein, Vick, Walters, Wells.

Total 10

Excused: None.

Total 0

Absent or not voting: Beaudry.

Total 1

HB 249 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

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Noes: Arnott, Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, J. Johnson, Jore, Kottel, Krenzler, McCann, McCulloch, Menahan, Orr, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 35

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McCulloch in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Ellis excused at this time.

SB 296 - Representative Hagener moved SB 296 be concurred in.

Representative Peck moved SB 296, second reading copy, be amended as follows (amendment #1):

1. Title, line 7.

Following: "SERVICE;"

Insert: "EXEMPTING CERTAIN POSITIONS FROM MEMBERSHIP; ALLOWING CERTAIN RETIREES TO
BE EMPLOYED AND TO RECEIVE A RETIREMENT ALLOWANCE;"

2. Title, line 8.

Following: "SECTIONS"

Insert: "19-20-302,"

Following: "19-20-407,"

Strike: "AND"

Following: "19-20-410,"

Insert: "AND 19-20-804,"

3. Title, line 8.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

4. Page 1, line 11.

Insert: "Section 5. Section 19-20-302, MCA, is amended to read:

"19-20-302. Active membership. (1) Unless otherwise provided by this chapter or subsection (7), the

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following persons must be active members of the retirement system, with the exception that those persons who became eligible for membership on September 1, 1937, or on September 1, 1939, and who elected not to become members under the provisions of the law at that time are not required to be members:

- (a) any person who is a teacher, principal, or district superintendent as defined in 20-1-101;
- (b) any person who is an administrative officer or a member of the instructional or scientific staff of a unit of the Montana university system and who has not elected or is not required to participate in the optional retirement program under Title 19, chapter 21;
- (c) any person employed as a speech therapist, school nurse, or school psychologist or in an instructional services capacity by the office of the superintendent of public instruction, the office of a county superintendent, a special education cooperative, a public institution of the state of Montana, the Montana state school for the deaf and blind, or a school district;
- (d) any person who is an administrative officer or a member of the instructional staff of the board of public education;
- (e) any person who has elected not to become a member of the retirement system and is reentering service in a capacity prescribed by subsection (1)(a), (1)(b), (1)(c), or (1)(d);
- (f) any person who has elected not to become a member of the retirement system, who has been continuously employed in a capacity prescribed by subsection (1)(a), (1)(b), (1)(c), or (1)(d) since the time of the election, and who may elect to become a member of the retirement system.

(2) A person elected to the office of county superintendent of schools after July 1, 1995, is not eligible for optional membership in the public employees' retirement system under the provisions of 19-3-412 and may, within 30 days of taking office, elect to become an active member of the teachers' retirement system. The retirement system membership of an elected county superintendent of schools as of June 30, 1995, must remain unchanged for as long as the person continues to serve in the capacity of county superintendent of schools.

(3) In order to be eligible for active membership, a person described in subsection (1) or (2) must:

(a) be employed in the capacity prescribed for the person's eligibility for at least 30 days in any fiscal year; and

(b) have the compensation for the person's creditable service totally paid by an employer.

(4) (a) A substitute teacher:

(i) may elect to become an active member of the retirement system on the first day of employment in any fiscal year; or

(ii) is required to become an active member of the retirement system on the 31st day of employment in any fiscal year if the substitute teacher has not elected membership under subsection (4)(a)(i).

(b) The employer shall give written notification to a substitute teacher on the first day of employment in any fiscal year of the option to elect membership under subsection (4)(a)(i).

(5) A substitute teacher who did not elect membership under subsection (4)(a)(i) and who subsequently becomes a member must be awarded creditable service for substitute teaching service if the substitute teacher contributes:

(a) an amount equal to the combined employee and employer contributions that would have been made if the substitute teacher had elected membership; plus

(b) interest at the rate that the contributions would have earned if they had been on deposit with the retirement system.

(6) At any time that a person's eligibility to become a member of the retirement system is in doubt, the retirement board shall determine the person's eligibility for membership. All persons in similar circumstances must be treated alike.

(7) A person who is employed in the office of public instruction and who is a retired member receiving a retirement benefit pursuant to 19-20-804 may elect not to be an active member of the retirement system."

Renumber: subsequent sections

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6. Page 2, line 12.

Insert: "Section 5. Section 19-20-804, MCA, is amended to read:

"19-20-804. Allowance for superannuation retirement. (1) Upon superannuation retirement, a member ~~shall~~ must receive a retirement allowance consisting of a pension ~~which that~~, together with an annuity, provides a retirement allowance equal to one-sixtieth of ~~his~~ the member's average final compensation multiplied by the sum of the number of years of creditable service, service transferred under 19-20-409, and additional service purchased under 19-20-412.

(2) ~~Any~~ Except as provided in subsection (3), a retired member may be employed as a part-time or substitute teacher in Montana and may earn, without loss of retirement benefits, an amount not to exceed the greater of:

(a) one-third of the sum of ~~his~~ the member's average final compensation plus normal annual salary increases for teaching personnel employed by the school district, state agency, political subdivision, or university unit that employed the member at the time of retirement; or

(b) one-third of the median of the average final compensation for members retired during the preceding fiscal year as determined by the retirement board.

(3) A retired member hired into a position covered under 19-20-302(7) may continue to receive a retirement allowance."

Renumber: subsequent section

7. Page 2, following line 13.

Insert: "NEW SECTION. Section 7. Termination. [Sections 1 and 5] terminate June 30, 1999."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Carey, Clark, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ewer, Galvin, Gillan, Grimes, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wiseman, Zook, Mr. Speaker.

Total 61

Noes: Adams, Arnott, Bankhead, Barnett, Bohlinger, Bookout, Brainard, DeBruycker, Denny, Devaney, H.S. Hanson, Hayne, Jore, Kasten, Lawson, Marshall, Masolo, McGee, Mills, Prouse, Rehbein, Rose, Trexler, Vick, Wagner, Walters, Wells, Wyatt.

Total 28

Excused: Ellis.

Total 1

Absent or not voting: Bergman, Feland, Grady, Grinde, Hibbard, Orr, Simon, Sliter, Smith, Whitehead.

Total 10

Motion to concur in SB 296, as amended, carried as follows:

Ayes: Ahner, Arnott, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney,

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Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Adams, Anderson, Bankhead, Barnett, Boharski, Brainard, DeBruycker, Denny, Devaney, Hayne, Jore, Kasten, Keenan, Lawson, Marshall, Masolo, McGee, Mills, Prouse, Rehbein, Trexler, Vick, Wagner, Walters, Wells.

Total 25

Voted Absentee: Ellis, Aye.

Excused: None.

Total 0

Absent or not voting: Feland, Grady, Grinde, Sliter.

Total 4

SB 378 - Representative Simon moved SB 378 be concurred in.

Representative Boharski moved SB 378, second reading copy, be amended (amendment #1).

Representative Kottel questioned whether Amendment #1 was in order.

Chairman McCulloch ruled Amendment #1 was out of order.

Representative Boharski challenged the ruling of the Chair.

Representative Grinde moved for an immediate Rules Committee meeting.

Representative Grinde moved the House recess until the Rules Committee reached a decision. Motion carried.

House recessed at 9:54 a.m.

House reconvened at 10:10 a.m. Chairman McCulloch in the Chair.

Representative Grinde stated the Rules Committee found Chairman McCulloch's decision in order and Amendment #1 to be outside the title of the bill and, therefore, out of order.

Representative Boharski moved to appeal the ruling of the Rules Committee to the full House.

Representative Ream moved for previous question. Motion carried.

Motion to overturn the decision of the Rules Committee failed. (35-61)

Representative Molnar moved SB 378, second reading copy, be amended (amendment #2).

Representative Kottel questioned whether Amendment #2 was in order.

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Chairman McCulloch ruled Amendment #2 was out of order.

Representative Molnar challenged the ruling of the Chair.

Representative Grinde moved for an immediate Rules Committee meeting.

Representative Grinde moved the House recess until the Rules Committee reached a decision. Motion carried.

House recessed at 10:28 a.m.

House reconvened at 10:35 a.m.

Representative Grinde stated the Rules Committee found Chairman McCulloch's decision in order and Amendment #2 to be outside the title of the bill and, therefore, out of order.

Representative Molnar moved to appeal the ruling of the Rules Committee to the full House. Motion failed. (31-68)

Motion to concur in SB 378 carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Adams, Boharski, Brainard, DeBruycker, Jore, Kasten, Keenan, McGee, Orr, Prouse, Rehbein, Vick, Wagner.
Total 13

Voted Absentee: Ellis, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman McCulloch moved that the Committee of the Whole report be adopted. Report adopted. (88-8)

MOTIONS

Representative Molnar moved the rules be suspended to permit the late drafting and introduction of a bill. Motion

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failed due to 2/3 vote requirement. (55-43)

SB 350 - Representative Squires moved she be allowed to change her vote on SB 350, third reading, from aye to nay. Motion carried.

HB 249 - Representative Grinde moved he be allowed to change his vote on HB 249, third reading, from abstain to aye. Motion carried.

Representative Hurdle moved she be allowed to change her vote on HB 249, third reading, from abstain to nay. Motion carried.

Representative Marshall moved he be allowed to change his vote on HB 249, third reading, from abstain to aye. Motion carried.

Representative Bookout-Reinicke moved she be allowed to change her vote on HB 249, third reading, from abstain to aye. Motion carried.

Representative Ahner moved she be allowed to change her vote on HB 249, third reading, from abstain to aye. Motion carried.

Representative Feland moved he be allowed to change his vote on HB 249, third reading, from abstain to aye. Motion carried.

SJR 8 - Representative Ahner moved she be allowed to change her vote on SJR 8, third reading, from abstain to aye. Motion carried.

Representative Boharski moved the rules be suspended to permit the late drafting and introduction of a resolution. Motion failed due to 2/3 vote requirement. (61-38)

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Zook, Chairman):

4/5/97

SB 187, be concurred in. Report adopted.

SB 269, be amended as follows:

1. Title, line 6.

Strike: "REQUIRING"

Insert: "AUTHORIZING"

2. Title, line 7.

Strike: "DEVELOP"

Insert: "STUDY"

Strike: "CONCURRENCE"

Insert: "COOPERATION"

3. Title, lines 10 through 12.

Strike: "COMPENSATION" on line 10

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Insert: "THE STUDY"

Following: ";" on line 10

Strike: remainder of line 10 through ";" on line 12

4. Title, line 13.

Strike: "REQUIRING"

Insert: "AUTHORIZING"

5. Title, lines 15.

Following: the first ";"

Strike: remainder of line 15 in its entirety

6. Title, line 16.

Following: "PROVIDING"

Insert: "AN"

Strike: "DATES"

Insert: "DATE"

7. Page 1, lines 18 through 25.

Strike: lines 18 through 25 in their entirety

8. Page 1, line 29.

Following: "schedules."

Insert: "(1)"

9. Page 1, line 30.

Strike: "develop"

Insert: "study"

Strike: "concurrence"

Insert: "cooperation"

10. Page 2, line 6.

Insert: "(2) "Protective services professional" means:

(a) a highway patrol officer, as defined in 61-1-305, except the chief, as defined in 61-1-302;

(b) an agent, as described in 44-2-111;

(c) a person authorized by the department of transportation or the department of justice to conduct an inspection pursuant to 61-9-501;

(d) a person whose primary work function is to supervise or otherwise guard persons incarcerated in a component of the department of corrections described in 53-1-202(2); or

(e) a person in an occupation identified by the department that is similar to those in subsections (2)(a) through ((2)d)."

11. Page 2, line 7 through page 10, line 8.

Strike: sections 2 through 5 in their entirety

Renumber: subsequent sections

12. Page 10, line 10 through page 11, line 1.

Strike: "Transition" on line 10

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Insert: "Report to legislature"

Strike: "(1)" on line 10 through "(6)" on page 11, line 1

Strike: "in"

Insert: "a report on the results of the study conducted pursuant to [section 1]. The report may contain"

13. Page 11, line 2.

Strike: "the form of"

Following: "legislation"

Insert: "to implement"

14. Page 11, lines 4 through 11.

Strike: sections 7 and 8 in their entirety

Renumber: subsequent section

15. Page 11, lines 13 through 15.

Strike: "dates" on line 13

Insert: "date"

Following: "." on line 13

Strike: remainder of line 13 through "are" on line 15

Insert: "[This act] is"

Strike: "1999"

Insert: "1997"

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

4/5/97

SB 315, be amended as follows:

1. Title, lines 4 through 6.

Strike: "CLARIFYING" on line 4 through "STATION"" on line 6

Insert: "MODIFYING THE DEFINITION OF "CONTAINER SITE""

2. Title, line 6.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 75-10-203"

3. Page 1, line 15.

Strike: the first ", "

Insert: "that: (a) is"

Following: "public"

Strike: ", "

4. Page 1, lines 16 and 17.

Strike: "by" on line 16 through "deposited" on line 17

5. Page 1, lines 17 through 19.

Strike: "a" on line 17 through "site" on line 19.

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Insert: "; or (b) receives waste from waste collection vehicles and:

- (i) is located in a fifth-, sixth-, or seventh-class county, as defined in 7-1-2111;
- (ii) receives no more than 3,000 tons of waste each year;
- (iii) has control measures in place, including onsite staffing, to adequately contain solid wastes and blowing litter on the site and to minimize spills and leakage of liquid wastes; and
- (iv) is a site at which a local government unit requires commercial waste haulers to deposit wastes at the site only during hours that the site is staffed"

6. Page 2, lines 16 and 17.

Strike: ":" on line 16 through "a" on line 17

Insert: ", a"

7. Page 2, lines 17 and 18.

Strike: ":" on line 17 through "system" on line 18

8. Page 2, lines 21 through 25.

Strike: subsection (13) in its entirety

9. Page 2, line 27 through page 4, line 16.

Strike: section 2 in its entirety

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

SJR 13, be amended as follows:

1. Title, line 7.

Following: "AGREEMENT"

Insert: "AND REQUESTING FEDERAL COMPENSATION FOR THE LOSS OF TAX REVENUE THAT WOULD HAVE ACCRUED TO THE STATE OF MONTANA AND ITS LOCAL GOVERNMENTS AS A RESULT OF THE CROWN BUTTE PROJECT"

2. Page 1, line 26.

Following: "state"

Insert: "; and

WHEREAS, as a result of this agreement, state and local jurisdictions in Montana will be deprived of significant levels of tax revenue that would have been received if the project were developed"

3. Page 2.

Following: line 6

Insert: "BE IT FURTHER RESOLVED, that the federal government should compensate state and local jurisdictions in Montana for the loss of tax revenue that these jurisdictions would have received if the Crown Butte project were developed."

And, as amended, be concurred in. Report adopted.

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MOTIONS

HB 249 - Representative Grinde moved the House reconsider its action on HB 249 taken on third reading this legislative day. Motion carried.

Representatives Ewer and Prouse excused at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 249 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Arnott, Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, J. Johnson, Jore, Kottel, Krenzler, McCann, McCulloch, Menahan, Orr, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 35

Voted Absentee: Ellis, Prouse, Ayes; Ewer, No.

Excused: None.

Total 0

Absent or not voting: Heavy Runner.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:00 p.m., Monday, April 7, 1997. Motion carried.

House adjourned at 11:11 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
SEVENTY-THIRD LEGISLATIVE DAY**

Helena, Montana
April 7, 1997

House Chambers
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Hagener. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Bergsagel, excused. Quorum present.

Mr. Speaker introduced this week's pages:

Tawnia Bell, Billings
Cara Cocchiarella, Missoula
Guy Duffner, Lima
Ben Hanson, Ashland
Camila Hoff, Dagmar
Robyn Wicks, Polson
Pat McGrath, Helena
Darren Schuldheiss, Kalispell

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/7/97

Correctly printed for second reading: SJR 13, SB 315, SB 269, SB 187, SB 354.

Correctly engrossed for third reading: SB 296, SB 378.

Correctly enrolled: HJR 2.

Delivered to the Governor for his approval at 10:30 a.m., April 7, 1997: HB 377, HB 160, HB 533, HB 174, HB 544, HB 278, HB 318, HB 421, HB 560.

MESSAGES FROM THE SENATE

House joint resolutions concurred in and returned to the House:

4/5/97

HJR 8, introduced by Brainard

HJR 12, introduced by Pavlovich

HJR 16, introduced by Pavlovich

HJR 17, introduced by Pavlovich

HJR 21, introduced by Denny

HJR 22, introduced by Pavlovich

House bills concurred in and returned to the House:

4/5/97

HB 114, introduced by McCulloch

HB 156, introduced by Grady

HB 170, introduced by Ahner

HB 216, introduced by Hibbard

HB 217, introduced by Bergsagel

HB 365, introduced by McGee

HB 383, introduced by Knox

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HB 437, introduced by Beaudry
HB 505, introduced by Beaudry
HB 529, introduced by Denny
HB 541, introduced by Grimes
HB 543, introduced by Schmidt
HB 566, introduced by Menahan
HB 569, introduced by Squires
HB 571, introduced by Beaudry
HB 575, introduced by Rehbein

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/5/97

HB 27, introduced by Simon
HB 121, introduced by Simpkins
HB 129, introduced by Soft
HB 173, introduced by Squires
HB 203, introduced by R. Johnson
HB 238, introduced by Peck
HB 264, introduced by Molnar
HB 284, introduced by Ohs
HB 285, introduced by Sliter
HB 287, introduced by Wiseman
HB 333, introduced by Soft
HB 345, introduced by Masolo
HB 394, introduced by Grinde
HB 395, introduced by Grimes
HB 430, introduced by Simon
HB 502, introduced by Soft
HB 523, introduced by McCulloch
HB 572, introduced by Anderson

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 7, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 316 sponsored by Representative Krenzler et al. on April 7, 1997.

Sincerely,

MARC RACICOT
Governor

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Molnar in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 615 - Representative Cobb moved HB 615 do pass. Motion carried as follows:

Ayes: Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Masolo, McCulloch, McGee, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Simon, Smith, Soft, Squires, Tropila, Tuss, Wagner, Whitehead, Wiseman, Wyatt.

Total 50

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergsagel, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Devaney, Grimes, Grinde, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, McCann, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Schmidt, Simpkins, Simpson, Sliter, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Walters, Wells, Zook, Mr. Speaker.

Total 48

Voted Absentee: Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: Mills, Molnar.

Total 2

SB 251 - Representative Bookout-Reinicke moved SB 251 be concurred in.

Representative Wyatt moved SB 251, second reading copy, be amended as follows (amendment #1):

1. Title, line 7.

Following: "ACTIVITIES"

Insert: "OR FOR A STUDENT WHO IS PARTICIPATING IN AN OFF-CAMPUS PRACTICUM THAT IS REQUIRED FOR A POSTSECONDARY DEGREE OR CERTIFICATE AND WHO DOES NOT RECEIVE WAGES"

2. Page 7, line 11.

Strike: "and"

3. Page 7, line 13.

Following: "1"

Insert: "; and"

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(h) a student who is participating in an off-campus practicum that is required for a postsecondary degree or certificate and who does not receive wages. For purposes of this subsection, the participating student is considered the employee of the postsecondary institution"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Adams, Arnott, Boharski, Brainard, M. Hanson, Jore, McGee, Orr, Prouse, Rehbein, Taylor, Trexler, Vick, Wagner, Wells.

Total 15

Excused: Bergsagel.

Total 1

Absent or not voting: Mills, Molnar, Mood, Simon, Tash.

Total 5

Motion to concur in SB 251, as amended, carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Cobb, Curtiss, DeBruycker, M. Hanson, Holland, Jore, Keenan, McGee, Molnar, Orr, Prouse, Taylor, Trexler, Vick, Wagner, Walters, Wells.

Total 22

Voted Absentee: Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 153 - Representative Curtiss moved SB 153 be concurred in.

Representative Hagener moved SB 153, second reading copy, be amended (amendment #1).

Representative Simpkins questioned whether Amendment #1 was in order.

Chairman Molnar ruled Amendment #1 was out of order.

Representative Hagener challenged the ruling of the Chair.

Representative Grinde moved for an immediate Rules Committee meeting and had the House Chambers stand at ease.

Representative Grinde stated that after consultation with Greg Petesch, legal council, the Rules Committee found Chairman Molnar's decision in order and Amendment #1 to be out of order.

Representative Menahan moved for cloture. Motion carried.

Motion to concur in SB 153 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 60

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 40

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Sergeant-at-Arms Skelton escorted the State Champion Fairfield High School Boys Basketball team into the House Chambers.

Representative Rose welcomed the team and coaches and introduced them to the House Chambers.

SB 157 - Representative Simon moved SB 157 be concurred in.

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Representative Sliter assumed the Chair at this time.

Motion to concur in SB 157 failed as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bitney, Boharski, Clark, Ewer, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Hurdle, J. Johnson, Knox, Krenzler, Lawson, McGee, Peck, Prouse, Simon, Sliter, Soft, Squires, Tash, Trexler, Wells, Wiseman.
Total 29

Noes: Adams, Anderson, Arnott, Bankhead, Beaudry, Bergsagel, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Grady, Grinde, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Story, Stovall, Swanson, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wyatt, Zook, Mr. Speaker.
Total 71

Voted Absentee: Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 84, SB 19, SB 269 - Representative Grinde moved consideration of SB 84, SB 19, SB 269 be placed at the top of the second reading board. Motion carried.

SB 84 - Representative Peck moved SB 84 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 79

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Feland, Jore, Kasten, Keenan, Lawson, Masolo, McGee, Orr, Prouse, Rehbein, Simpkins, Vick, Wagner, Walters, Wells.
Total 20

Voted Absentee: Bergsagel, No.

Excused: None.

Total 0

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Absent or not voting: Bitney.

Total 1

SB 19 - Representative Grady moved SB 19 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Boharski.

Total 1

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: Grinde, Wagner.

Total 2

SB 269 - Representative Quilici moved SB 269 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Jore, Kasten, Keenan, McCann, McGee, Molnar, Orr, Prouse, Rehbein, Sliter, Vick, Wagner, Walters, Wells.

Total 25

Voted Absentee: Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: Grinde, Mills.

Total 2

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SB 324 - Representative Kottel moved SB 324 be concurred in.

Representative Molnar moved SB 324, second reading copy, be amended (amendment #1). Motion failed as follows: (19-79)

Motion to concur in SB 324 carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Adams, Arnott, Bergman, Boharski, DeBruycker, Holland, Jore, Kasten, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Smith, Vick, Wagner, Walters, Wells.

Total 19

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative J. Johnson excused at this time.

SB 71 - Representative Kitzenberg moved SB 71 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Tash, Trexler, Tropila, Tuss, Vick, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Arnott, Barnhart, Brainard, Hayne, Hurdle, Jore, Keenan, Menahan, Mood, Orr, Peck, Schmidt, Sliter, Swanson, Taylor, Wagner, Walters, Wells, Wyatt.

Total 19

Voted Absentee: Bergsagel, J. Johnson, Ayes.

Excused: None.

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Total 0

Absent or not voting: Smith.

Total 1

Representative Molnar resumed the Chair at this time.

SB 207 - Representative Stovall moved SB 207 be concurred in.

Representative Ewer moved SB 207, second reading copy, be amended as follows (amendment #1):

1. Title, line 8.

Strike: "AND"

2. Title, line 9

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2, line 9.

Following: "project."

Insert: "The proposition must be approved at a special or regular election in accordance with all of the requirements of 20-9-428, except that the proposition is considered to have passed if a majority of the qualified electors voting approve the proposition."

4. Page 2, line 17.

Following: "line 16"

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1997."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnhart, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, R. Johnson, Kitzenberg, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Trexler, Tropila, Tuss, Whitehead, Wyatt, Zook.

Total 59

Noes: Adams, Arnott, Bankhead, Barnett, Beaudry, Bergman, Boharski, Brainard, Curtiss, Denny, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Krenzler, McGee, Molnar, Mood, Orr, Peck, Prouse, Rehbein, Simon, Sliter, Smith, Tash, Taylor, Vick, Wagner, Walters, Wells, Mr. Speaker.

Total 36

Excused: Bergsagel, J. Johnson.

Total 2

Absent or not voting: Feland, Grady, Wiseman.

Total 3

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Motion to concur in SB 207, as amended, carried as follows:

Ayes: Ahner, Bergman, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wiseman, Zook.

Total 64

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Brainard, Curtiss, Denny, Galvin, H.S. Hanson, M. Hanson, Hayne, Jore, Kasten, Keenan, McGee, Orr, Peck, Prouse, Rehbein, Simpkins, Sliter, Story, Taylor, Vick, Wagner, Walters, Wells, Wyatt, Mr. Speaker.

Total 35

Voted Absentee: J. Johnson, Aye; Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: Kitzenberg.

Total 1

SB 332 - Representative Story moved SB 332 be concurred in.

Representative Story moved SB 332, second reading copy, be amended as follows (amendment #1):

1. Title, lines 5 and 6.

Strike: "PERFORMANCE" on line 5 through "BONDS" on line 6

Insert: "FINANCIAL ASSURANCE"

Following: "TIRES;"

Insert: "REQUIRING A STUDY OF ISSUES REGARDING WASTE TIRES;"

Strike: "AND"

2. Title, line 7.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE"

3. Page 1, line 12.

Strike: "sufficient bonding"

Insert: "financial assurance sufficient"

4. Page 1, line 14.

Following: "of"

Strike: "the bond"

Insert: "financial assurance"

5. Page 1, line 16.

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Strike: "bonding"

Insert: "financial assurance"

6. Page 4, line 4.

Strike: "a bond"

Insert: "financial assurance"

7. Page 4, line 10.

Strike: "bond"

Insert: "financial assurance"

8. Page 4, lines 12 and 13.

Strike: "a" on line 12 through "bond" on line 13

Insert: "financial assurance"

9. Page 4, line 14.

Strike: "A bond"

Insert: "Financial assurance"

10. Page 4, lines 17 through 21.

Strike: "CASH" on line 17 through "ACTIVITIES" on line 21

Insert: "financial assurance by any one method or a combination of methods satisfactory to the department, including but not limited to insurance, a guarantee, performance, or other surety bond, a letter of credit, qualification as a self-insurer, or other demonstration of financial capability"

11. Page 4, line 22.

Strike: "bond"

12. Page 4, line 23.

Following: "conditions"

Insert: "of financial assurance provided"

13. Page 4.

Following: line 26

Insert: "NEW SECTION. Section 4. Waste tire study. (1) The environmental quality council shall study the issues associated with managing, processing, treating, transporting, and disposing of waste tires.

(2) The environmental quality council shall report the results of the study, including any recommendations for legislation, to the legislature no later than October 1, 1998."

Renumber: subsequent section

14. Page 4.

Following: line 30

Insert: "NEW SECTION. Section 6. Applicability. (1) [This act] applies to a facility that initially applied for or received a solid waste management system license pursuant to Title 75, chapter 10, part 2, after July 1, 1997.

(2) [This act] does not apply to a facility that was licensed pursuant to Title 75, chapter 10, part 2, prior to July 1, 1997.

NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 1997."

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Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Brainard, Curtiss, McGee, Wells.

Total 4

Excused: Bergsagel, J. Johnson.

Total 2

Absent or not voting: Ellis, Feland, Grady, Holland.

Total 4

Motion to concur in SB 332, as amended, carried as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Adams, Anderson, Arnott, Bankhead, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Heavy Runner, Jore, Kasten, Keenan, Orr, Peck, Prouse, Rehbein, Taylor, Tuss, Vick, Wagner, Walters, Wells.

Total 23

Voted Absentee: J. Johnson, Aye; Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 616 - Representative Anderson moved HB 616 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin,

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Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 85

Noes: Adams, Arnott, Bergman, Bergsagel, Curtiss, Grinde, R. Johnson, Jore, McGee, Orr, Rehbein, Sliter, Soft, Wagner, Mr. Speaker.

Total 15

Voted Absentee: J. Johnson, Aye; Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 290 - Representative Simon moved SB 290 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Kasten, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Arnott, Barnett, Bergsagel, Hurdle, J. Johnson, Jore, Kitzenberg, McGee, Peck, Ryan, Simpson, Sliter, Vick, Wagner.

Total 15

Voted Absentee: Bergsagel, J. Johnson, Noes.

Excused: None.

Total 0

Absent or not voting: Keenan, Simpkins, Wells.

Total 3

SB 276 - Representative Sliter moved SB 276 be concurred in. Motion carried as follows:

Ayes: Ahner, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall,

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Masolo, McCulloch, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Adams, Barnhart, Bergsagel, Galvin, Hurdle, Jore, Kasten, McCann, McGee, Mills, Pease, Peck, Simpson, Taylor, Wagner, Whitehead.

Total 16

Voted Absentee: J. Johnson, Aye; Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: Anderson, Tuss, Wyatt.

Total 3

SB 368 - Representative Pavlovich moved SB 368 be concurred in.

Representative Pavlovich moved SB 368, second reading copy, be amended as follows (amendment #1):

1. Title, lines 5 and 6.

Strike: "REVISING" on line 5 through "FEES;" on line 6

2. Page 5, lines 23 through 26.

Strike: section 5 in its entirety

Renumber: subsequent section

3. Page 6, line 2.

Strike: "5"

Insert: "4"

Amendment #1 passed as follows:

Ayes: Anderson, Bankhead, Barnett, Beaudry, Bergman, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 82

Noes: Adams, Ahner, Arnott, Barnhart, Brainard, Cobb, Curtiss, Hagener, Hurdle, Mills, Orr, Prouse, Smith, Wagner, Wyatt.

Total 15

Voted Absentee: J. Johnson, Aye.

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Excused: Bergsagel.

Total 1

Absent or not voting: Bitney, Holland.

Total 2

Motion to concur in SB 368, as amended, carried as follows:

Ayes: Anderson, Barnett, Beaudry, Bergman, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Squires, Story, Stovall, Swanson, Tash, Trexler, Tuss, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Adams, Ahner, Arnott, Bankhead, Barnhart, Bergsagel, Bitney, Boharski, Brainard, Cobb, Curtiss, Hagener, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, McCann, McGee, Molnar, Mood, Orr, Prouse, Rehbein, Schmidt, Smith, Soft, Taylor, Tropila, Vick, Wagner, Walters, Wells, Wyatt.

Total 35

Voted Absentee: J. Johnson, Aye; Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 173 - Representative Devaney moved SB 173 be concurred in.

Representative Kottel moved SB 173, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 18.

Following: "buyer"

Strike: "for value of"

Insert: ", in the ordinary course of business, who buys"

Following: "property"

Insert: "for value and"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter,

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Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Prouse, Rehbein.

Total 2

Excused: Bergsagel, J. Johnson.

Total 2

Absent or not voting: Holland, Molnar, Ohs.

Total 3

Motion to concur in SB 173, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Ellis, Peck.

Total 2

Voted Absentee: Bergsagel, J. Johnson, Ayes.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

SJR 13 - Representative Beaudry moved SJR 13 be concurred in.

Representative Raney moved SJR 13, second reading copy, be amended (amendment #1). Motion failed as follows: (43-53)

Representative Harper moved SJR 13, second reading copy, be amended (amendment #2). Motion failed as follows: (40-55)

Motion to concur in SJR 13 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes,

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Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Krenzler, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 63

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Lawson, Marshall, McCann, McCulloch, Menahan, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Vick, Whitehead, Wyatt.

Total 35

Voted Absentee: Bergsagel, Aye: J. Johnson, No.

Excused: None.

Total 0

Absent or not voting: Hagener, Rose.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Molnar moved that the Committee of the Whole report be adopted. Report adopted. (78-15)

Representative Cobb excused at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 378 concurred in as follows:

Ayes: Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Ahner, Bergman, Boharski, Brainard, DeBruycker, Devaney, Jore, Kasten, Keenan, McCann, McGee, Mood, Orr, Prouse, Rehbein, Vick, Wagner.

Total 18

Voted Absentee: Bergsagel, Cobb, J. Johnson, Ayes.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SB 304 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Galvin.

Total 1

Voted Absentee: Bergsagel, J. Johnson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: Quilici.

Total 1

SB 339 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Arnott, Bergsagel, Brainard, DeBruycker, Jore, Keenan, Peck, Prouse.

Total 9

Voted Absentee: J. Johnson, Aye; Bergsagel, No.

Excused: Cobb.

Total 1

Absent or not voting: Mills.

Total 1

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SJR 5 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Adams, Brainard, Curtiss, Jore, Orr, Prouse.

Total 6

Voted Absentee: Bergsagel, J. Johnson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: Trexler.

Total 1

SB 296 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 66

Noes: Adams, Arnott, Bankhead, Bergsagel, Bitney, Boharski, Brainard, DeBruycker, Denny, Devaney, Feland, Grinde, Hayne, Jore, Kasten, Keenan, Lawson, Masolo, McCann, McGee, Mills, Molnar, Orr, Prouse, Rehbein, Sliter, Smith, Trexler, Vick, Wagner, Walters, Wells.

Total 32

Voted Absentee: J. Johnson, Aye; Bergsagel, No.

Excused: Cobb.

Total 1

Absent or not voting: Tuss.

Total 1

HB 615 passed as follows:

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Ayes: Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Molnar, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Whitehead, Wyatt.
Total 60

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Boharski, Curtiss, DeBruycker, Denny, Devaney, Ewer, Grimes, Grinde, H.S. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, McCann, Mills, Mood, Ohs, Orr, Rose, Simpson, Soft, Stovall, Vick, Walters, Wells, Zook, Mr. Speaker.
Total 39

Voted Absentee: Cobb, J. Johnson, Ayes; Bergsagel, No.

Excused: None.
Total 0

Absent or not voting: Wiseman.
Total 1

SB 251 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 79

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Curtiss, DeBruycker, M. Hanson, Holland, Jore, Keenan, McGee, Molnar, Orr, Prouse, Taylor, Vick, Wagner, Walters, Wells.
Total 20

Voted Absentee: J. Johnson, Aye; Bergsagel, No.

Excused: Cobb.
Total 1

Absent or not voting: None.
Total 0

SB 153 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde,

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H.S. Hanson, M. Hanson, Hayne, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.

Total 61

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 38

Voted Absentee: Bergsagel, Cobb, J. Johnson, Ayes.

Excused: None.

Total 0

Absent or not voting: Wiseman.

Total 1

SB 324 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Arnott, Bergman, Boharski, DeBruycker, Hayne, Holland, Jore, Kasten, Keenan, Molnar, Orr, Prouse, Smith, Vick, Wagner, Wells.

Total 17

Voted Absentee: Bergsagel, Cobb, J. Johnson, Ayes.

Excused: None.

Total 0

Absent or not voting: Marshall.

Total 1

SB 71 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann,

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McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Arnott, Bitney, Boharski, Brainard, Hayne, Hurdle, Jore, Keenan, Mood, Orr, Peck, Prouse, Sliter, Taylor, Wagner, Walters, Wells.

Total 17

Voted Absentee: Bergsagel, J. Johnson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: Feland.

Total 1

SB 207 concurred in as follows:

Ayes: Ahner, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Zook.

Total 65

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, Denny, Grinde, H.S. Hanson, M. Hanson, Hayne, Jore, Kasten, Keenan, McGee, Molnar, Orr, Peck, Prouse, Rehbein, Story, Taylor, Vick, Wagner, Walters, Wyatt, Mr. Speaker.

Total 34

Voted Absentee: J. Johnson, Aye; Bergsagel, No.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

SB 332 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Whitehead,

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Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Adams, Arnott, Bankhead, Bergman, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Devaney, Jore, Kasten, Keenan, Orr, Peck, Prouse, Taylor, Tuss, Vick, Wagner, Walters, Wells.

Total 22

Voted Absentee: Cobb, J. Johnson, Ayes; Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

HB 616 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 85

Noes: Adams, Arnott, Bergman, Bergsagel, Curtiss, Ewer, Grinde, Jore, McGee, Orr, Rehbein, Sliter, Wagner, Mr. Speaker.

Total 14

Voted Absentee: J. Johnson, Aye; Bergsagel, No.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

SB 84 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

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Noes: Adams, Arnott, Bankhead, Bergsagel, Bitney, Boharski, Feland, Hayne, Jore, Kasten, Keenan, Lawson, Masolo, McGee, Orr, Prouse, Simpkins, Vick, Wagner, Walters, Wells.

Total 21

Voted Absentee: J. Johnson, Aye; Bergsagel, No.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

SB 290 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Barnett, Barnhart, Bergsagel, Harper, Hurdle, J. Johnson, Jore, Keenan, McGee, Peck, Ryan, Simpson, Sliter, Vick, Wagner, Wells.

Total 17

Voted Absentee: Bergsagel, J. Johnson, Noes.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

SB 276 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Adams, Barnhart, Bergsagel, Brainard, Galvin, Hurdle, Jore, Kasten, McCann, McGee, Mills, Pease, Peck, Simpson, Taylor, Wagner, Whitehead, Wyatt.

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Total 18

Voted Absentee: J. Johnson, Aye; Bergsagel, No.

Excused: Cobb.

Total 1

Absent or not voting: Grinde.

Total 1

SB 368 concurred in as follows:

Ayes: Anderson, Barnett, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Adams, Ahner, Arnott, Bankhead, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, Grimes, Hagener, Hayne, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, McCann, McGee, Molnar, Mood, Orr, Prouse, Rehbein, Soft, Taylor, Vick, Wagner, Walters, Wells, Wyatt.

Total 34

Voted Absentee: J. Johnson, Aye; Bergsagel, Cobb, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 173 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Peck.

Total 1

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Voted Absentee: Bergsagel, J. Johnson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

SB 19 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Adams, Arnott, Boharski.

Total 3

Voted Absentee: Bergsagel, J. Johnson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

SB 269 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Denny, Devaney, Grinde, Jore, Kasten, McGee, Molnar, Orr, Prouse, Rehbein, Simpkins, Vick, Wagner, Walters, Wells.

Total 23

Voted Absentee: J. Johnson, Aye; Bergsagel, No.

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Excused: Cobb.

Total 1

Absent or not voting: Keenan.

Total 1

SJR 13 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Krenzler, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tuss, Wagner, Walters, Wells, Wiseman, Zook.

Total 66

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Heavy Runner, Hurdle, Kitzenberg, Kottel, Lawson, McCann, McCulloch, Menahan, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Vick, Whitehead, Wyatt, Mr. Speaker.

Total 33

Voted Absentee: Bergsagel, J. Johnson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

SB 324 - Representative Rose moved he be allowed to change his vote on SB 324, third reading, from nay to aye. Motion carried.

SB 173 - Representative Ellingson moved he be allowed to change his vote on SB 173, third reading, from abstain to aye. Motion carried.

SB 304 - Representative Krenzler moved she be allowed to change her vote on SB 304, third reading, from abstain to aye. Motion carried.

SB 340 - Representative Grimes moved the House reconsider its action on SB 340 taken on third reading the previous legislative day. Motion failed. (47-50)

REPORTS OF STANDING COMMITTEES

BUSINESS & LABOR (Simon, Chairman):

4/7/97

SB 354, be amended as follows:

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1. Page 3, line 27.

Strike: "(10)"

Insert: "(11)"

And, as amended, be concurred in. Report adopted.

SB 396, be amended as follows:

1. Title, line 10.

Following: "SUPPLIERS;"

Insert: "PROVIDING FOR OPTIONAL PERFORMANCE-BASED RATEMAKING;"

2. Page 1, lines 21 and 24.

Strike: "8"

Insert: "9"

3. Page 2, following line 11.

Insert: "(7) "Performance-based ratemaking" means those forms of regulation that include but are not limited to the use of revenue indexing, price indexing, ranges of authorized return, gas cost indexing, and innovative use of utility-related assets and activities, such as system sales of excess natural gas supplies, release of upstream pipeline capacity, and performance of billing services for other natural gas suppliers. A performance-based regulation may also include a mechanism for automatic annual adjustments of revenue to prices to reflect changes in any index adopted for the implementation of the performance-based form of regulation."

Renumber: subsequent subsections

4. Page 2, lines 22 and 23.

Following: "COSTS" on line 22

Insert: "["

Following: "bonds" on line 23

Insert: "]"

5. Page 4, line 6.

Strike: "8"

Insert: "9"

6. Page 5, following line 6.

Insert: "NEW SECTION. Section 7. Optional performance-based ratemaking for natural gas utilities -- commission rulemaking. (1) The commission may, upon application and after giving notice and conducting a hearing as provided in 69-3-303, authorize any natural gas utility to implement an optional form of rate regulation using a performance-based ratemaking methodology.

(2) The commission may approve a performance-based ratemaking methodology if it finds that the methodology:

(a) preserves adequate service to all classes of customers, including transportation-only customers;

(b) does not unreasonably prejudice or disadvantage any class of natural gas utility users;

(c) provides incentives for improved performance by the natural gas utility in the natural gas utility's public duties;

(d) results in rates that are not excessive; and

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(e) is in the public interest.

(3) The commission may, after giving notice and conducting a hearing as provided in 69-3-303, modify or discontinue a natural gas utility's performance-based ratemaking previously authorized under this section if the commission finds that:

(a) natural gas service to one or more classes of customers has deteriorated or will deteriorate;

(b) any class of natural gas utility customer is being unreasonably prejudiced or disadvantaged;

(c) the performance-based ratemaking is not providing or will not provide reasonable incentives for improved performance by a natural gas utility in the performance of its public duties;

(d) rates are excessive compared to a natural gas utility's cost of service;

(e) terms ordered by the commission in connection with the approval of a natural gas utility's implementation of performance-based ratemaking have been violated; and

(f) the performance-based form of regulation is not in the public interest.

(4) The commission shall promulgate rules for monitoring a natural gas utility that has implemented performance-based ratemaking to ensure that the natural gas utility is in compliance with the requirements of this section."

Renumber: subsequent sections

7. Page 6, lines 18 and 19.

Strike: "8"

Insert: "9"

8. Page 6, line 21.

Strike: "instruction"

Insert: "instructions"

9. Page 6, line 22.

Following: "then"

Insert: ": (1)"

Strike: "section"

Insert: "sections 2(9)(a)(v) and (9)(b) and "

10. Page 6, line 23.

Strike: "is"

Insert: "are"

Following: "void"

Insert: "and the subsections of section 2(9) are renumbered; and (2) the bracketed language contained in [section 2(9)(a)(i) of this act] is void"

And, as amended, be concurred in. Report adopted.

SPECIAL ORDERS OF THE DAY

LEGISLATIVE MEMORIAL SERVICE

April 6, 1997

WALTER J. BANKA

WHEREAS, it is with deep and sincere sorrow that members of the House of Representatives of the Fifty-fifth

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Legislative Assembly of the State of Montana record the passing of Walter J. Banka on April 1, 1995 at 98 years of age in Conrad, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Banka be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Walter J. Banka was born on April 29, 1896 in North Dakota. At age 15 years, he moved with his family to Montana. Banka homesteaded east of Brady where he farmed and ranched. In addition he was a lumberjack and worked as road boss for Choteau county.

In 1923 he and his wife Emily were married at Grangeville, Idaho. They raised four children. After retirement in 1946, he and Emily traveled the world. Emily passed away in 1971.

In 1982, he married Genevieve Fait Rossmiller in Great Falls, MT. They lived in Conrad. Mrs. Banka now resides in Great Falls.

In addition to serving three terms in the legislature from 1941 to 1945, he was a member of the Pondera County Commission for six years and a member of the Fish and Game Commission for two terms.

Banka served as county chairman for the Democratic party, was active in the Presbyterian Church and numerous civic organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable Walter J. Banka and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Banka's family and that an original copy of this memorial be filed with the Montana Historical Society.

LEONARD G. BASHOR

WHEREAS, it is with deep and sincere sorrow that members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Leonard G. Bashor in July, 1994 in Shelby, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Bashor be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Leonard G. Bashor was born on March 3, 1920 in Shelby, MT. He was raised on the family farm northeast of Ferdig and was graduated from Shelby High School in 1937. During World War II, he served with the U. S. Army in North Africa and Italy. He farmed in the Shelby area until his retirement in 1988.

Representative Bashor served four terms in the Montana House of Representatives from 1958 to 1966. He was the chairman of the Toole County Democratic Party and in 1980 was presented with an award recognizing him as the longest standing member of the county party.

Representative Bashor was a member of the Veterans of Foreign Wars, the American Legion, the Elks Lodge and the Moose Lodge.

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NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable Leonard G. Bashor and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Bashor's family and that an original copy of this memorial be filed with the Montana Historical Society.

JAMES F. BATTIN

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of James F. Battin on September 27, 1996.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Battin be filed on the official record of the Assembly and the following facts relative to his career are hereby noted.

The Honorable James F. Battin, a federal district judge and former Congressman, was born on February 13, 1925 in Wichita, KS to Hannah and W.R. Battin. His family moved to Billings, MT in 1929. James served in the Navy during WWII and received two battle stars. He married Barbara Choate on August 9, 1947. He attended Eastern Montana Teachers College, and received his Juris Doctorate from George Washington Law School in 1951.

Representative Battin served in the Montana House of Representatives in 1959, before running for and winning a seat in the U.S. House of Representatives. In 1969 Rep. Battin was appointed by President Nixon as a U.S. District Judge, and served as Chief Judge from 1978 to 1990 when he took senior status.

James Battin was an active member of the First Presbyterian Church, Kiwanis, Masons, Shriners, and the Jesters. James and Barbara had three children and seven grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA

That we hereby express our esteem and respect to the memory of the honorable James F. Battin and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that the original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Battin's family and that an original copy of this memorial be filed with the Montana Historical Society.

WILLIAM H. "BILL" BERTSCHE, JR.

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of William H. "Bill" Bertsche, Jr. on November 3, 1995.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Senator Bertsche be filed on

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the official records of this Assembly and the following facts relative to his career are hereby noted.

Bill Bertsche was born in Great Falls February 25, 1910. He graduated from the University of Washington and attended Harvard Graduate School of Business, returning to Great Falls to open Bertsche's Food Market in 1933. In 1939 he married Elizabeth Wiggin.

He was awarded the Bronze Star and the Air Medal for service during World War II, retiring as a Lt. Colonel. Education and the environment were always of special interest to him. As a businessman, he owned the Sally Ann Bakery in Great Falls and served as general manager of Great Falls Breweries. He was elected to the Montana Senate from 1966 to 1974, and served as chairman of the Finance and Claims Committee. He was also a member of the Governor's Indian Task Force, the State Board of Natural Resources, the State Library Advisory Board, the Lewis & Clark National Forest Advisory Council and the Great Falls Heritage Park Committee. Senator Bertsche also held positions at the C. M. Russell Gallery, Highland Cemetery, The College of Great Falls, Meadow Lark Country Club, Norwest Bank and Montana Flour Mills.

NOW, THEREFORE, BE IT RESOLVED BY THE
SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Bill Bertsche and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Secretary of the Senate and the members of the appointed Memorial Committee, be transmitted by the Secretary to the surviving members of Senator Bertsche's family and that an original copy of this memorial be filed with the Montana Historical Society.

CHESTER M. "CHET" BLAYLOCK

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Chet Blaylock on October 23, 1996.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Senator Blaylock be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Chet Blaylock was a educator. He believed that every Montana child was entitled to a free, quality education, a livable environment, a good job and affordable health care. He spent a lifetime pursuing that objective.

Born in Joliet November 13, 1924, he served in the Navy, earning four medals in the South Pacific, and returned to enter Eastern Montana College and later the University of Montana where he received B.S. and Master's degrees. He was chairman of the State Democratic Party and a delegate to the Montana Constitutional Convention. He was elected to the State Senate in 1974 and served continuously until 1993. His last political campaign as the Democratic candidate for Governor of Montana, ended with his death on October 23, 1996.

Senator Blaylock is survived by his widow, Mildred, and five children.

NOW, THEREFORE, BE IT RESOLVED BY THE
SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Chet Blaylock and extend to the members of his family our sincere sympathy.

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BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Secretary of the Senate and the members of the appointed Memorial Committee, be transmitted by the Secretary to the surviving members of Senator Blaylock's family and that an original copy of this memorial be filed with the Montana Historical Society.

GORDON E. BOLLINGER

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Gordon Bollinger on May 13, 1995.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Senator Bollinger be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Gordon Bollinger was chairman of the Public Service Commission for eight years, serving with such distinction that their meeting room is named after him. He also served two terms in the Montana House of Representatives and two in the Senate. He is credited with passing legislation that created a Learning Center for the developmentally disabled in Glendive.

Senator Bollinger was born in Saskatchewan. His parents established a homestead at Larslan, Montana three years later. He graduated from Nashua High School and attended the University of Nevada at Reno. Senator Bollinger served in the Navy during WWII in the Asiatic Pacific. With his brother, Leonard, he spent 35 years cheerfully helping the public in countless ways in his grocery business in Glasgow.

Senator Bollinger was a member of numerous civic and fraternal organizations. A 50-year member of Kiwanis, he was part of a team that organized the first clubs in Europe.

NOW, THEREFORE, BE IT RESOLVED BY THE
SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Gordon Bollinger and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Secretary of the Senate and the members of the appointed Memorial Committee, be transmitted by the Secretary to the surviving members of Senator Bollinger's family and that an original copy of this memorial be filed with the Montana Historical Society.

CHARLES J. CEROVSKI

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Charles J. Cerovski on November 9, 1995.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Cerovski be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Charles Cerovski was born on a farm and attended a one-room school near Lewistown. After graduating from Fergus County High School he received a B.S. from the University of Montana and master's and LLB degrees from Indiana University. He was a member of the Montana Bar Association and practiced law in Fergus County from 1950-65. He also owned several businesses in Lewistown, including Big Spring Water.

Mr. Cerovski served as Sub Chairman of the Appropriations Committee and Vice Chairman of the Judiciary Committee during his five terms in the Montana House of Representatives. Representative Cerovski was co-chair

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of a Democratic State Convention and served as a delegate to the National Democratic presidential convention in 1960. He was affiliated with numerous service clubs in the Lewistown area.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Charles Cerovski and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Cerovski's family and that an original copy of this memorial be filed with the Montana Historical Society.

FRANK H. DUNKLE

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Frank Dunkle on October 23, 1993.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Senator Dunkle be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Frank Dunkle was one of the few people fortunate enough to reach his lifetime goal when he was appointed director of the Fish & Wildlife Service in Washington, DC. In Montana, he served as a state senator, executive director of the Montana Republican Party, and Fish and Game Director. In 1972 he was a gubernatorial candidate in the Republican primary. He founded the Ecological Consulting Service, Resource Education Foundation and Research Associates. At the time of his death he was visiting professor in the Environmental Science and Engineering Department at the Colorado School of Mines.

Frank was born in Oakmont, Pennsylvania in 1924. He served in the South Pacific and the Korean conflict, retiring from the Naval Reserve as a Commander. He received B.S., M.S. and an honorary Doctor of Science degree from Montana State University and was the recipient of numerous environmental awards.

NOW, THEREFORE, BE IT RESOLVED BY THE
SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Frank H. Dunkle and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Secretary of the Senate and the members of the appointed Memorial Committee, be transmitted by the Secretary to the surviving members of Senator Dunkle's family and that an original copy of this memorial be filed with the Montana Historical Society.

ANDREW "DOC" WEAR ELTING

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Andrew Wear Elting on December 2, 1992 in Miles City, Montana.

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WHEREAS it is fitting and proper that the record and accomplishments of the late Representative Elting be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Andrew Wear "Doc" Elting was born in Billings in 1920, the son of Myrtle Welborne and Robert Elting. His mother was chairman of the Yellowstone County Republican Central Committee for over 20 years and he served in the same capacity for Carbon, Stillwater and Custer counties. He married Marjorie Dix in 1944 and was the father of five children. He is also survived by his wife, Susan McDaniel, and two brothers.

"Doc" was a veterinarian by profession, as well as teaching English at both the high school and college levels. He served in the House of Representatives for one session in 1959 as an Independent.

Representative Elting belonged to the Masonic Lodge, Rotary, Kiwanis and Elks, and he had a life-long interest in livestock and ranching issues.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Andrew "Doc" Wear Elting and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Elting's family and that an original copy of this memorial be filed with the Montana Historical Society.

J. CHAN ETTIEN

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Chan Ettien on July 7, 1996.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Senator Ettien be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Former District Judge J. Chan Ettien will be remembered as a gentleman, as well as a jurist of integrity and compassion. He had a genuine concern for the less fortunate.

Judge Ettien was born in Deer Lodge, attended Gonzaga University and received his law degree from the University of Montana. Following service with the Marine Corps during WWII in the Pacific, he practiced law in Granite County and was elected Granite County Attorney.

He served one term in the Montana Senate in 1951. He established a law practice in Havre in 1953 and served as Deputy Hill County Attorney. An active member and past president of the 12th Judicial Bar Association, he was elected District Judge in 1983 and served until his retirement in 1989.

His career as a lawyer exemplified the highest standards of judicial ethics. He had an adventurous legal mind which led him to develop new and imaginative approaches.

NOW, THEREFORE, BE IT RESOLVED BY THE
SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Chan Ettien and extend to the members of his family our sincere sympathy.

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BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Secretary of the Senate and the members of the appointed Memorial Committee, be transmitted by the Secretary to the surviving members of Senator Ettien's family and that an original copy of this memorial be filed with the Montana Historical Society.

ROBERT M. FEISTHAMEL

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Robert M. Feisthamel on January 27, 1996 in Glendive, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Feisthamel be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

With the exception of two years in the Army Air Corps, Robert Feisthamel lived in Glendive where he was manager of the Glendive Ready Mix Company and Feisthamel's Wheel Alignment Company. He married Stella Rust in 1957 and together they raised four children who have remained in Glendive.

Representative Feisthamel was a member of the 40th and 41st legislative sessions and served on the Fish and Game, Labor and Compensation, Township and Counties, and Highway committees. He was a member of the Elks Lodge, Toastmasters of America and a 28-year member of the Glendive Volunteer Fire Department.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Robert M. Feisthamel and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Feisthamel's family and that an original copy of this memorial be filed with the Montana Historical Society.

G. ELMER FLYNN

WHEREAS, it is with deep and sincere sorrow that members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of G. Elmer Flynn at age 76 on Christmas Day, 1995.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Flynn be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

G. Elmer Flynn was born on January 2, 1919, in Missoula, MT. Throughout most of his life he farmed and ranched on the family homestead west of Missoula. He was a lifelong member of St. Francis Xavier parish. On January 21, 1939, he married Mary Alice Ahren.

Elmer Flynn served in the Montana House of Representatives in the 1963 and 1965 sessions and in the State Senate from 1967 to 1978. While in the Senate, he served as the Majority Whip and was the chairman of various standing committees. He was an early advocate of environmental protection, co-sponsoring the first air pollution control bill in Montana.

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Senator Flynn served on the Montana State Livestock Commission, Hellgate School Board, the Hellgate Irrigation Company and was chairman of the Montana Environmental Quality Council for many years. Flynn was also a member of the Moose, Elks and the Knights of Columbus.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable G. Elmer Flynn and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representative of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Flynn's family and that an original copy of this memorial be filed with the Montana Historical Society.

WILLIAM HUGH "BILL" GRIEVE

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of W.H. "Bill" Grieve on May 7, 1995 in Miles City, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Senator Grieve be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

W.H. Grieve was born on July 24, 1910 in Casper, Wyoming. After graduating from High School in Laramie, Bill married Margaret Reno on October 3, 1930 in Gillette, Wyoming. Bill & Margaret raised their three children, Burt, Janet, and Isabel on their ranch near Miles City.

Senator Grieve was a member of the Senate in 1961 & 1963. Bill was interested in the state highways and served on several committees during his tenure in the Senate. After serving his one term in office, Senator Grieve returned to the ranch near Miles City and was active in the Custer County School Board, Montana Stockgrowers, National Cattlemens, and the Montana Production Credit Association.

Upon retiring from ranching, Bill Grieve enjoyed golfing and spending the winters in Arizona.

NOW, THEREFORE, BE IT RESOLVED BY THE
SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable W.H. "Bill" Grieve and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Secretary of the Senate and the members of the appointed Memorial Committee, be transmitted by the Secretary to the surviving members of Senator Grieve's family and that an original copy of this memorial be filed with the Montana Historical Society.

PAUL G. HOLZER

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative assembly of the State of Montana record the passing of Paul G. Holzer on June 2, 1996, in Great Falls,

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Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Holzer be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA

That we hereby express our esteem and respect to the memory of the honorable Paul G. Holzer and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Holzer's family and that an original copy of this memorial be filed with the Montana Historical Society.

GERALD H. HUGHES

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Gerald H. Hughes on August, 27 1995, in Lewistown, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Senator and Representative Hughes be filed on the official record of the Assembly and the following facts relative to his career are hereby noted.

Senator Hughes was born on November 11, 1903, in Great Falls. He grew up on the family ranch seven miles south of Stanford, Montana. He attended the University of Montana, later transferring to Oregon Agriculture College.

Senator Hughes served in both houses of the State Assembly. He began his service in the House of Representatives in 1941. After serving two terms in the House, he was elected to the Senate, where he served another two terms. Hughes completed his legislative career in 1952, when he was re-elected to the House Assembly.

Senator Hughes was married in 1965, to Clara M. Tanner. Prior to legislative service, Hughes worked for the Central Production Credit Association where he inspected livestock. After working many years he returned to what he liked best, helping his brothers operate a ranch near Lewistown.

Senator Hughes was one of the original members of the American Sheep Producers Council and was President of Hughes Livestock Company. Hughes was a noted historian and will be remembered for his ability to tell stories of life in early Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE
SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Gerald H. Hughes and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fifty-

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fifth Legislative Assembly and that the original copies of this memorial, signed by the Secretary of the Senate and the members of the appointed Memorial Committee, be transmitted by the Secretary to the surviving members of Senator Hughes's family and that an original copy of this memorial be filed with the Montana Historical Society.

DAVID F. JAMES

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-fifth legislative Assembly of the State of Montana record the passing of David F. James on July 7, 1996 in Chester, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative & Senator James be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

The youngest of 8 children born in Mason City, Iowa, David James moved to Joplin, Montana in 1925 to take a job as a teacher. On January, 5th 1929 David married Lillian Meldrum at her parents home. The couple then began farming north of Joplin where they raised four children.

David James began his public service in 1938 as a member of the House of Representatives, a seat he would hold for ten years. During that period Representative James was minority leader for 3 terms, and served in positions of leadership on several committees. In 1948 he began a career in the Senate that would span through 1974. Senator James held several leadership positions again in the Senate, and was particularly interested and influential in the current Crop Hail Insurance program. Senator James' hard work closely followed his interests in education and farming.

Senator James was also active in the Masons Lodge, Rotary Club, local Farmers Union, served on the School Board, and was active in the Bethel Lutheran Church.

THEREFORE, BE IT RESOLVED BY THE
SENATE OF THE STATE OF MONTANA

That we hereby express our esteem and respect to the memory of the honorable David F. James and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Secretary and the members of the appointed Memorial Committee, be transmitted by the Secretary to the surviving members of Representative & Senator James' family and that an original copy of this memorial be filed with the Montana Historical Society.

BRUCE W. LANTHORN

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative assembly of the State of Montana record the passing of Bruce W. Lanthorn on July 22, 1996.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Lanthorn be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Bruce Lanthorn was born on November 19, 1917, in Portal, North Dakota. In 1940 he become an identification clerk for the FBI in Washington, D. C., after completing high school and college. He met Mary Catherine Houlihan there and they were married on April 20, 1942. During WWII, Mr. Lanthorn served as an army First Lieutenant and a B-24 bombardier.

After the war he returned to work for the FBI, was appointed as a special agent in 1950, and retired from that profession in 1970. In that same year Bruce Lanthorn was elected to the Montana House of Representatives,

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serving one term. He was appointed as Justice of the Peace from 1973 to 1980, then returned to the legislature as Assistant Sergeant-at-Arms in the House.

Representative Lanthorn also taught law enforcement and criminal justice at Carroll College and also provided support and training for the Montana Law Academy.

Representative Lanthorn was a founder and life-long supporter of the Helena chapter of Ducks Unlimited.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA

That we hereby express our esteem and respect to the memory of the honorable Bruce W. Lanthorn and extend to members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Lanthorn's family and that an original copy of this memorial be filed with the Montana Historical Society.

ORPHEY A. "BUD" LIEN

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Orphey A. "Bud" Lien on July 8, 1995 in Poplar, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Lien be filed on the official records of this Assembly and the following facts relative to his career hereby noted.

Bud Lien was born in Brockton, Montana, in 1923 to Ole and Mary Lien, Norwegian emigrants who farmed in the Brockton area. He attended MSU until enlisting in the Army in 1942. He served with Patton's 3rd Artillery Unit in Europe during WWII. Bud began farming in the area in which he was raised. He and Birdell Holte were married in 1951 and together they raised four children.

Bud enjoyed working with machinery and was an active innovator in farm techniques, receiving several patents on his work. He enjoyed flying and did crop spraying.

Representative Lien served in the House between 1969 and 1973 as a member of the Democratic Party. During that time Bud served on several committees. He was also active in the Elks, American Legion and the Masons.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Orphey A. "Bud" Lien and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Lien's family and that an original copy of the memorial be filed with the Montana Historical Society.

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LLOYD J. MCCORMICK

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Lloyd J. McCormick on August 3, 1996 in Great Falls, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative McCormick be filed on the official record of the Assembly and the following facts relative to his career are hereby noted.

Lloyd J. McCormick was born on July 17, 1917, in Culbertson, Montana. He graduated from Culbertson High School in 1936 and in 1939 married Della Shuman. They moved to Havre in 1942, where McCormick got his first Teamsters job at the United Transfer & Storage.

He served with the U.S. Army in the Pacific during WWII from 1943 to 1946. After leaving the army, McCormick ran the Glasgow terminal for United Transfer and Hart Motor Express.

Representative McCormick was elected to his first union office in 1948 as a trustee in Local 112. During the late Fifties and early Sixties he served as secretary-treasurer, then lobbied for that group a total of twelve years. Representative McCormick served as secretary-treasurer of the Montana Joint Council of Teamsters and was a active member of the union's Western Conference Policy Committee.

Lloyd McCormick was elected to the Montana State Legislature in 1982, and won re-election bids in 1984, 1986, and 1988.

He was a member of numerous civic organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Lloyd McCormick and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that the original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative McCormick's family and that an original copy of this memorial be filed with the Montana Historical Society.

GEORGE McGAFFICK

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of George McGaffick on February 26, 1995 in Helena, Montana.

WHEREAS, is it fitting and proper that the record and accomplishments of the late Representative McGaffick be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

A native of Helena, George McGaffick was born in June, 1912, and attended area schools. He began a career in the service station and bulk plant business at age 21. In 1943 he acquired the Steamboat Block and remodeled it for office rentals.

He was married to Lois Sutton in 1934. She and a daughter, Tanya, preceded him in death. He later married Melba Montgomery.

He served in the legislature for one term in 1960.

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Representative McGaffick was a member of the Elks, Eagles, Civil Air Patrol, Morning Star Lodge and Algeria Shrine.

He was an avid hunter and fly fisherman.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA

That we hereby express our esteem and respect to the memory of the honorable George McGaffick and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative McGaffick's family and that an original copy of this memorial be filed with the Montana Historical Society.

WALLACE "WALLY" MERCER

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Wallace "Wally" Mercer on June 6, 1995, in Billings, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Mercer be filed on the official record of the Assembly and the following facts relative to his career are hereby noted.

Wallace "Wally" Mercer was born on February 13, 1924, in Roundup. After high school Mercer began studies at the University of Montana. Before he could finish he joined the U.S. Army and served in the Air Corps from 1943 to 1946. Upon return from the war he finished his education earning a Bachelor's of Science degree in Business Administration. In July of 1962, Mercer married Jody Crumbaker in Billings, Montana.

Representative Mercer served as a Representative to the Montana State Legislature from 1973 through 1976. During his time in the state assembly he pursued many small business ventures including the ownership of a surgical supply, ownership of the Rimrock Lodge, real estate sales, steel sales, and management of Brown-Swiss Jersey Dairy.

Representative Mercer was elected to the Montana Public Service Commission in 1988, and worked diligently as a regulator of state utilities and transportation. He also participated in many community organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Wallace "Wally" Mercer and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that the original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Mercer's family and that an original copy of this memorial be filed with the Montana Historical Society.

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JERALD L. METCALF

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Jerry Metcalf on November 13, 1995.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Metcalf be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Jerry Metcalf, a well known antique dealer with an active interest in art and community affairs, believed in the preservation of Montana's natural resources for future generations.

Jerry was born in Billings, graduated from the University of Montana and received a master's degree from Northwestern University. For the next 10 years, he worked in a New York advertising agency, returning to Montana in 1972 to help his father, the late Senator Lee Metcalf, campaign for the U.S. Senate.

From 1974 until his death, he owned and operated the Vawter Street Antique Store in Helena while serving four terms in the Montana House of Representatives.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Jerry L. Metcalf and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Metcalf's family and that an original copy of this memorial be filed with the Montana Historical Society.

WALDO YOUNG MOBERLY

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Waldo Young Moberly on May 13, 1995.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Senator Moberly be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Waldo Moberly, a retired customs broker and former State Senator, was born October 26, 1905 in Kalispell. He grew up in Sweetgrass and Billings. In 1926 he married Isabel Quisberg in Great Falls and founded W. Y. Moberly, Inc., a customs house brokerage firm at ports of entry in Montana and Idaho. They operated that business for 40 years before selling it in 1968. During WWII former Senator Moberly served in the Army Air Corps.

For the next 20 years Mr. Moberly was active in the northern Montana oilfields, retiring to Kalispell in 1980. He also had farming operations in Glacier County and Alberta.

He served in the Montana Senate from 1962-66. Mr. Moberly was co-founder of the First National Bank of Cut Bank, a member of the American Legion, the Shelby Masonic Lodge, the Royal Arch Lodge in Cut Bank, the Scottish Rite in Great Falls and the Shrine Club in Butte. He is survived by a nephew, Waldo L. Moberly of Swan Lake.

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NOW, THEREFORE, BE IT RESOLVED BY THE
SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Waldo Young Moberly and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Secretary of the Senate and the members of the appointed Memorial Committee, be transmitted by the Secretary to the surviving members of Senator Moberly's family and that an original copy of this memorial be filed with the Montana Historical Society.

DONALD J. MORROW

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Donald J. Morrow on May 4, 1996, in Helena, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Senator Morrow be filed on the official record of the Assembly and the following facts relative to his career are hereby noted.

Donald J. Morrow was born on May 6, 1903, in Mildred, Montana, where his parents James and Lorna Morrow homesteaded. He attended his senior year of high school in Glasgow where he met his future wife. In 1938 Donald married Agnes F. Wagner. Donald and Agnes then moved to Billings, where he began his career as a plumber.

Donald worked as a contractor during the early years of WWII. He was later drafted into the army in 1945. After discharge from the army in 1946, he opened a plumbing and heating company in Baker, which he ran for the next twenty-two years.

Senator Morrow served the State Assembly in 1959 and 1961. While in the Senate, Donald used his contracting background as he served as Vice Chairman on Banking and Commerce committees.

Senator Morrow moved to Helena in 1973 and began working as a plumbing and heating contractor for Carson Heating and Plumbing. He was a member of the Lions Club and the Knights of Columbus.

NOW, THEREFORE, BE IT RESOLVED BY THE
SENATE OF THE STATE OF MONTANA

That we hereby express our esteem and respect to the memory of the honorable Donald J. Morrow and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fifty-fifth Legislative Assembly and that the original copies of this memorial, signed by the Secretary of the Senate and the members of the appointed Memorial Committee, be transmitted by the Secretary to the surviving members of Senator Morrow's family and that an original copy of this memorial be filed with the Montana Historical Society.

E.V. "SONNY" OMHOLT

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of E.V. "Sonny" Omholt on September 21, 1995, in Helena, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Omholt be filed

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on the official record of the Assembly and the following facts relative to his career are hereby noted.

E.V. "Sonny" Omholt was born on March 29, 1920, in Great Falls, Montana. He graduated from Fort Shaw High School and later attended Northern Montana College. Omholt's education at Northern Montana was interrupted when he entered WWII. Representative Omholt served as a lieutenant in charge of a combat platoon in North Africa and Italy. He was wounded in battle in Italy and received a Purple Heart. In December of 1946 Omholt married Audrey Haralson. Their children are a son, Kris and daughter, Myrna.

Representative Omholt served in the Montana State Legislature in 1951 and again in 1953. Prior to his time in the state assembly, he began an insurance business in Dutton and later served as the city's mayor. His greatest accomplishment came in 1962 when he was elected as Montana's State Auditor. Representative Omholt proudly served as auditor for twenty-three years. He had a talent for drawing votes, including his 1972 election when he became the first Montana elected official to tally more than a quarter million votes. He retired from the office in 1985.

Omholt was a member of the American Legion, Military Orders of the Purple Heart, Eagles Lodge, and the Retired Officers Association.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable E.V. "Sonny" Omholt and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that the original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Omholt's family and that an original copy of this memorial be filed with the Montana Historical Society.

PAUL G. PISTORIA

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Paul G. Pistoria on September 24, 1995 in Great Falls, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Pistoria be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Paul Pistoria was a colorful blend of investigative reporter and consumer advocate who took great pleasure in fighting for everyday issues. He was best known for his feisty style and wry sense of humor. His antics included holding a mock funeral with a homemade coffin when a bill he opposed died, and wearing a curly wig to mimic a reporter who failed to write up his criticism of county government.

Representative Pistoria was born in Stockett in 1907 and grew up in Fort Benton. He attended electrical engineering schools in Chicago and worked for Montana Power for many years. Retiring in 1972, he served as a Great Falls city councilman and was subsequently elected to the Montana Legislature, where he served six two-year terms from 1966 to 1988. He is survived by his wife Kathryn of Great Falls.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

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That we hereby express our esteem and respect to the memory of the honorable Paul G. Pistoria and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Pistoria's family and that an original copy of this memorial be filed with the Montana Historical Society.

RUDOLPH POLICH

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Rudolph Polich on October 3, 1996, in Great Falls, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Polich be filed on the official record of the Assembly and the following facts relative to his career are hereby noted.

Rudolph Polich was born on April 24, 1913, in Little Chicago or Black Eagle, Montana. He was later regarded as the historian of that area. After completing high school in Great Falls, he worked as a bricklayer. In April of 1935, Rudolph married Frances Fern Palagi and shortly thereafter went to work with the Anaconda Company as an electrician.

Representative Polich served as a Representative to the Montana State Legislature in 1969. Polich had been noted as a man who had ideas ahead of the times, such as his suggestion for an independent commission to attract new industry to Montana. Polich will be remembered best for his desire to "keep government close to people."

Representative Polich was a member of the Elks Lodge, Great Falls Optimist Club, Moose Lodge, Local 122, and a member of the Sons of the Pioneers. He was also an active member of the Electrical Workers.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Rudolph Polich and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that the original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Polich's family and that an original copy of this memorial be filed with the Montana Historical Society.

DENNIS M. SHEA

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Dennis M. Shea on June 17, 1995.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Shea be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Dennis Shea was a life-long resident of Butte. He was born in Centerville, attended St. Mary's Grade

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School and graduated from Boys Central High School. Following service in the infantry during World War II, he returned to attend Butte Business College. In 1948 he married Lois Anderson; together they raised four children.

Representative Shea worked as a court reporter until 1954 when he began a long and distinguished career with the Anaconda Company, retiring in 1985 as Head of Public Relations & Governmental Affairs for the Northwest for Atlantic Richfield.

He was elected to the Montana Legislature as a Democratic Representative in 1958, serving one term, and was appointed to the Montana Highway Commission by Governor Stan Stephens, serving two terms.

Representative Shea was an active member of the Knights of Columbus, the Elks and St. Ann's Parish.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Dennis M. Shea and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Shea's family and that an original copy of this memorial be filed with the Montana Historical Society.

ARTHUR SHELDEN

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Arthur H. Shelden on August 15, 1996 in Libby, Montana.

WHEREAS it is fitting and proper that the record and accomplishments of the late Representative Shelden be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Art Shelden was born in Flaxton, North Dakota on October 31, 1905. His family moved to Canada where he attended high school. They then moved to Montana where the family settled in Belgrade. Art graduated from Montana State College in 1931 with a degree in Electrical Engineering. He married Ruth Osborn in 1934 in Bozeman.

Representative Shelden served in the Montana House of Representatives for nine sessions from 1964-1981. He is credited with passing significant environmental legislation during his tenure as Chairman of the Natural Resources Committee.

An activist in community affairs, Mr. Shelden was a member of the Libby school board, an officer of the Lumber and Sawmill Workers Union, the Kootenai Grange, Bird Watchers and the Libby Rod and Gun Club.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Andrew Shelden and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by

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the Chief Clerk to the surviving members of Representative Sheldon's family and that an original copy of this memorial be filed with the Montana Historical Society.

JOHN D. SHIVELY

WHEREAS, it is with deep and sincere sorrow that members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of John D. Shively on May 15, 1993 in Bozeman, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Shively be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

John Shively was born on July 7, 1898 in St. Paul, Minnesota, while his family was enroute from Ohio to North Dakota to establish a homestead. He was one of seven children, all of whom received a college education. Shively received his BA Degree in Indiana, his MA in school administration from the University of North Dakota and did graduate work at the University of California. He married Margaret A. Sivertson on August 11, 1926.

Representative Shively began his teaching career in North Dakota. In 1927, he taught at Forsyth, later becoming superintendent. He later assumed that same post in Havre and Bozeman. After over 40 years in the education field, Shively retired in 1964.

Representative John Shively served in the Montana House of Representatives in the 1967 and 1969 sessions. He was also a member of the Rotary club and the Montana Association of School Administration.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable John D. Shively and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Shively's family and that an original copy of this memorial be filed with the Montana Historical Society.

GORDON R. TWEDT

WHEREAS, it is with deep and sincere sorrow that members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Gordon R. Twedt on March 31, 1996 at 77 years of age in Great Falls, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Twedt be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Gordon R. Twedt was born on August 18, 1918, in Rudyard, MT. Twedt graduated from Hingham High School and completed a short course in agriculture at Montana State University. He enlisted in the Coast Guard in 1942. In 1944 he married Lorine Johnson in Belt.

Beginning in 1961, Representative Twedt represented Hill County in the Montana Legislature for four terms. He was selected to serve as speaker pro tem for one term and minority floor leader of one term.

Representative Twedt moved to Great Falls in 1968 when he became president of the Montana Farmers

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Union. In 1970, he bought the Midtown Motel and Smitty's Pancake House.

He worked for the U.S. Agency for International Development in 1963 in Peru and served on the Rural Area Development Committee and Rudyard School Board. Representative Twedt also served on the MSU Advisory Council.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable Gordon R. Twedt and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Twedt's family and that an original copy of this memorial be filed with the Montana Historical Society.

O.H. "BILL" WORDEN

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of O.H. "Bill" Worden on June 6 1995, in Missoula, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Representative Worden be filed on the official record of the Assembly and the following facts relative to his career are hereby noted.

"Bill" Worden was born on August 21, 1912. He was the grandson of Francis Worden, co-founder of Missoula in 1860. He attended Ronan Public Schools and Missoula County High School. He earned a Bachelors' Degree in Mathematics from the University of Montana. During World War II, Worden served as a naval instructor and navigator. In 1937, he began working for Western Bank, a career he followed for a lifetime.

Bill Worden served in the House of Representatives from 1967 through 1971. Worden was credited for his legislation on the Montana Clean Air Act.

Representative Worden was married to Tommie Lu Middleton, in San Jose, California in 1960. They had three children - Peggy, Henry O.III, (better known as Hank), and W. Austin, who ran for the legislature in 1994. Bill was involved in many charitable, fraternal and professional organizations. Worden was a well-known and much-loved Missoulian.

NOW, THEREFORE, BE IT RESOLVED BY THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable O.H. "Bill" Worden and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the House of Representatives of the Fifty-fifth Legislative Assembly and that the original copies of this memorial, signed by the Chief Clerk of the House of Representatives and the members of the appointed Memorial Committee, be transmitted by the Chief Clerk to the surviving members of Representative Worden's family and that an original copy of this memorial be filed with the Montana Historical Society.

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ARTIS "A.A." ZODY

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-fifth Legislative Assembly of the State of Montana record the passing of Artis Zody on January 29, 1997.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Senator Zody be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

A. A. Zody was born in Bloomfield July 11, 1917. He attended the Pleasant Plains country school and Dawson County High School. Following his 1937 marriage to Betty Grigsby, they lived in Billings where Mr. Zody worked at the ASCS office, later moving to Bloomfield where they farmed until he retired in 1971. After retiring he worked for Hilger Chevrolet. From 1987 to 1995 he was the coordinator for Disaster and Emergency Services.

Mr. Zody served two terms in the House of Representatives and one term in the Montana Senate. Senator Zody was instrumental in bringing the Eastmont Human Services Center to Glendive. He served as an ASCS committeeman for several years and was a member of the city council until the time of his death. He is survived by two children, a brother and a sister.

NOW, THEREFORE, BE IT RESOLVED BY THE
SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Artis "A.A." Zody and extend to the members of his family our sincere sympathy.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fifty-fifth Legislative Assembly and that original copies of this memorial, signed by the Secretary of the Senate and the members of the appointed Memorial Committee, be transmitted by the Secretary to the surviving members of Senator Zody's family and that an original copy of this memorial be filed with the Montana Historical Society.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Ohs moved the House adjourn until 8:00 a.m., Tuesday, April 8, 1997. Motion carried.

House adjourned at 5:20 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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Helena, Montana
April 8, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Hayne.

Mr. Speaker welcomed Nancy Good who sang the National Anthem.

Roll call. All members present except Representative H. Hanson, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixty-eighth, sixty-ninth, seventieth, seventy-first legislative days, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/8/97
Correctly printed for second reading: SB 396.
Correctly enrolled: HB 114, HB 156, HB 170, HB 216, HB 217, HB 365, HB 383, HB 437, HB 505, HB 529, HB 541, HB 543, HB 566, HB 569, HB 571, HB 575, HJR 8, HJR 12, HJR 16, HJR 17, HJR 21, HJR 22, HJR 7, HB 556, HB 408, HB 240.
Examined by the sponsor and found to be correct: HJR 2, HJR 12, HJR 16, HJR 17, HJR 21, HJR 22, HB 114, HB 156, HB 170, HB 216, HB 217, HB 365, HB 383, HB 437, HB 505, HB 529, HB 541, HB 543, HB 566, HB 569, HB 571, HB 575.

MESSAGES FROM THE SENATE

House bill not concurred in and returned to the House: 4/4/97
HB 453, introduced by Arnott
House bill not concurred in and returned to the House: 4/5/97
HB 461, introduced by Wyatt
House joint resolution concurred in and returned to the House: 4/7/97
HJR 7, introduced by Peck
House bills concurred in and returned to the House: 4/7/97
HB 240, introduced by Devaney
HB 408, introduced by Trexler
HB 556, introduced by Grady
House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/7/97
HB 102, introduced by Beaudry

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HB 293, introduced by Orr
HB 369, introduced by Brainard
HB 388, introduced by Simon
HB 435, introduced by Harper
HB 483, introduced by Mood
HB 508, introduced by Devaney
HB 518, introduced by Ewer
HB 519, introduced by Wyatt
HB 546, introduced by Tash
HB 558, introduced by Smith

Governor's amendments to Senate bills not concurred in and transmitted to the House for consideration of the Governor's amendments: 4/7/97

SB 2, introduced by Holden
SB 31, introduced by Jenkins
SB 55, introduced by Benedict

Representative Grinde moved the House recess until 10:00 a.m. Motion carried.

House recessed at 8:07 a.m.

House reconvened at 10:05 a.m. Mr. Speaker in the Chair.

Roll call. Quorum present.

REPORTS OF SELECT COMMITTEES

Conference Committee
on Senate Bill 256
Report No. 1, April 7, 1997

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 256, met and considered the amendments on the Select Committee on Corrections report dated March 10, 1997.

We recommend that Senate Bill 256 be amended as follows:

1. Page 1, line 19.

Following: "~~(a)~~"

Insert: "(a)"

Strike: "AGGRAVATED"

2. Page 1, line 20.

Strike: "(1)"

Insert: "(1)(a), (1)(b), or (1)(c)"

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3. Page 1, line 21.

Strike: "20"

Insert: "10"

Following: "\$50,000"

Insert: "."

4. Page 1, lines 22 through 25.

Following: "~~both~~"

Strike: the remainder of line 22 through line 25

5. Page 1.

Following: line 28

Insert: " (b) Except as provided in 46-18-222, a person convicted of assault on a peace officer or judicial officer under subsection (1)(d) shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term of not less than 5 years or more than 20 years, or both."

6. Page 2.

Following: line 5

Insert: " (4) Criminal endangerment, negligent endangerment, and assault, as defined in 45-5-201, are not included as offenses of assault on a peace officer or judicial officer."

And that this Conference Committee report be adopted.

For the Senate:

Hargrove, Chairman

Estrada

Doherty

For the House:

Clark, Chairman

Pease

Bergman

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 7, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 466 sponsored by Representative Barnhart et al. on April 7, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol

April 7, 1997

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Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 478 sponsored by Representative Wiseman et al. on April 7, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 7, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 496 sponsored by Representative Feland on April 7, 1997.

Sincerely,

MARC RACICOT
Governor

Representative H. Hanson present at this time.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Brainard in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Representative Zook moved Senate amendments to HB 2 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 63

Noes: Barnhart, Boharski, Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Orr, Pavlovich, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss,

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Whitehead, Wyatt.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 3 - Representative Zook moved Senate amendments to HB 3 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Ream, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Barnhart, Carey, Cobb, DeBruycker, Dowell, Heavy Runner, Lawson, Orr, Peck, Prouse, Raney, Rehbein, Ryan, Tußs, Wyatt.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 4 - Representative Grady moved Senate amendments to HB 4 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Adams, Arnott, Boharski, Cobb, DeBruycker, Dowell, Heavy Runner, Jore, Keenan, Lawson, Molnar, Orr, Peck, Prouse, Rehbein, Tuss, Vick, Wagner, Wyatt.

Total 19

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

SB 49 - Representative Rose moved SB 49 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: M. Hanson, Hurdle.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 127 - Representative Rose moved SB 127 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Adams, DeBruycker, Devaney.
Total 3

Excused: None.
Total 0

Absent or not voting: Clark.
Total 1

SB 130 - Representative Jore moved SB 130 be concurred in.

Representative Jore moved SB 130, second reading copy, be amended as follows (amendment #1):

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1. Page 2, line 12.

Following: "treasurer"

Insert: "to redeem the property"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Tropila.

Total 1

Excused: None.

Total 0

Absent or not voting: Raney, Simon, Tuss.

Total 3

Motion to concur in SB 130, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 94

Noes: Kottel, Schmidt, Tropila, Tuss, Wyatt.

Total 5

Excused: None.

Total 0

Absent or not voting: Swanson.

Total 1

SB 134 - Representative Devaney moved SB 134 be concurred in. Motion carried as follows:

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Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Devaney, Ellingson, Ellis, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Marshall, Masolo, McCann, McGee, Menahan, Ohs, Pease, Peck, Quilici, Ream, Rose, Ryan, Simon, Simpkins, Smith, Soft, Story, Stovall, Swanson, Tash, Trexler, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 53

Noes: Adams, Anderson, Arnott, Bergsagel, Bitney, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Denny, Dowell, Ewer, Feland, Galvin, Gillan, Harper, Harrington, Heavy Runner, Hurdle, Jore, Kasten, Keenan, Kottel, Lawson, McCulloch, Mills, Molnar, Mood, Orr, Pavlovich, Prouse, Raney, Rehbein, Sands, Schmidt, Simpson, Sliter, Squires, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wyatt.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 191 - Representative Ohs moved SB 191 be concurred in.

Representative Ewer moved consideration of SB 191 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 213 - Representative Pavlovich moved SB 213 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Hagener.

Total 1

Excused: None.

Total 0

Absent or not voting: Clark.

Total 1

SB 133 - Representative Denny moved SB 133 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout,

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Total 88

Noes: Adams, Arnott, Bergsagel, Brainard, DeBruycker, Feland, Jore, Orr, Prouse, Rehbein, Smith, Vick.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 191 - Representative Ewer moved consideration of SB 191 be placed at the top of the second reading board. Motion carried.

Representative Ohs moved SB 191 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Devaney, Ellingson, Ellis, Ewer, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 75

Noes: Adams, Arnott, Bankhead, Bergsagel, Cobb, Curtiss, Denny, Dowell, Galvin, Gillan, R. Johnson, Jore, McGee, Menahan, Molnar, Orr, Peck, Prouse, Raney, Simpson, Smith, Soft, Wagner, Wells, Wyatt.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 100 - Representative Ream moved SB 100 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten,

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Total 97

Noes: Adams, Prouse.

Total 2

Excused: None.

Total 0

Absent or not voting: Knox.

Total 1

SB 338 - Representative Anderson moved SB 338 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Zook, Mr. Speaker.

Total 81

Noes: Adams, Arnott, Bankhead, Bergman, Boharski, Clark, Curtiss, DeBruycker, Jore, Keenan, McCann, McGee, Molnar, Orr, Vick, Wagner, Wells, Wyatt.

Total 18

Excused: None.

Total 0

Absent or not voting: Wiseman.

Total 1

SB 377 - Representative Beaudry moved SB 377 be concurred in.

Representative Beaudry moved SB 377, second reading copy, be amended as follows (amendment #1):

1. Page 49, line 1.

Strike: "INSTRUCTION."

Insert: "instructions. (1)"

2. Page 49.

Following: line 9

Insert: "(2) If House Bill No. 284 and [this act] are both passed and approved, then [sections 2 and 22(1) and (2) of House Bill No. 284] are void."

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Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Motion to concur in SB 377, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Heavy Runner, Hurdle, Kasten, Peck.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 315 - Representative Mood moved SB 315 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore,

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Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 122 - Representative McGee moved Senate amendments to HB 122 be not concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 83

Noes: Carey, Dowell, Ellingson, Ewer, Galvin, Hurdle, Krenzler, Pease, Ryan, Sands, Squires, Swanson, Tuss, Whitehead.
Total 14

Excused: None.
Total 0

Absent or not voting: Adams, Bergman, Boharski.
Total 3

HB 131 - Representative Simon moved Senate amendments to HB 131 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 389 - Representative Simon moved Senate amendments to HB 389 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Hagener, H.S. Hanson, Kasten, Rehbein.

Total 4

Excused: None.

Total 0

Absent or not voting: Menahan, Mood.

Total 2

HB 517 - Representative Vick moved Senate amendments to HB 517 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 32

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Excused: None.

Total 0

Absent or not voting: Grinde, Walters.

Total 2

SB 2 - Representative Anderson moved Governor's amendments to SB 2 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Ream, Ryan, Sands, Schmidt, Simpson, Smith, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 31 - Representative Kottel moved Governor's amendments to SB 31 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Carey, Ellingson, Hagener, Harper, R. Johnson, Krenzler, Pease, Ream, Squires.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

SB 55 - Representative Simon moved Governor's amendments to SB 55 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 87

Noes: Carey, Dowell, Ellingson, Galvin, Hagener, Heavy Runner, Hurdle, Peck, Ream, Ryan, Squires, Wyatt.
Total 12

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

SB 354 - Representative Hibbard moved consideration of SB 354 be passed for the day. Motion carried.

SB 396 - Representative Simon moved consideration of SB 396 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SJR 14 - Representative Hagener moved SJR 14 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Adams, Arnott, Devaney, Jore, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Vick, Wells.
Total 12

Excused: None.
Total 0

Absent or not voting: Tropila.
Total 1

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SJR 16 - Representative Cocchiarella moved SJR 16 be concurred in. Motion carried as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpson, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook.

Total 74

Noes: Adams, Anderson, Arnott, Bergman, Cobb, Denny, Devaney, H.S. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Orr, Prouse, Simon, Smith, Story, Vick, Wagner, Walters, Wells.

Total 22

Excused: None.

Total 0

Absent or not voting: Boharski, Simpkins, Sliter, Mr. Speaker.

Total 4

HB 27 - Representative Simon moved Senate amendments to HB 27 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Grimes.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 28 - Representative Rose moved Senate amendments to HB 28 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore,

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Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 44 - Representative Devaney moved Senate amendments to HB 44 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Pavlovich.
Total 1

HB 78 - Representative Simpkins moved Senate amendments to HB 78 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

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Noes: Boharski, Gillan, Heavy Runner, Mood, Orr.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 111 - Representative Ahner moved Senate amendments to HB 111 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

HB 222 - Representative Anderson moved Senate amendments to HB 222 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Hurdle, Jore, Tropila, Vick.

Total 4

Excused: None.

Total 0

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Absent or not voting: Ohs.

Total 1

HB 234 - Representative Bitney moved Senate amendments to HB 234 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Boharski, Harper, Hurdle, J. Johnson, Jore, Ryan, Sands, Simpson.

Total 8

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

HB 268 - Representative Kottel moved Senate amendments to HB 268 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Ellingson, R. Johnson, Smith, Squires.

Total 4

Excused: None.

Total 0

Absent or not voting: Sliter, Tuss.

Total 2

HB 538 - Representative Keenan moved Senate amendments to HB 538 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney,

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Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Cobb.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 66 - Representative Cocchiarella moved Governor's amendments to HB 66 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 85

Noes: Adams, Arnott, Bergman, Hayne, Jore, Keenan, McGee, Orr, Prouse, Simon, Smith, Trexler, Vick, Wells.
Total 14

Excused: None.
Total 0

Absent or not voting: Sliter.
Total 1

HB 195 - Representative Tash moved Governor's amendments to HB 195 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson,

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Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 88

Noes: Arnott, Bankhead, Barnhart, Boharski, Galvin, Heavy Runner, R. Johnson, Masolo, Orr, Peck, Smith, Wyatt.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 384 - Representative Ellis moved Governor's amendments to HB 384 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Holland, Hurdle, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 81

Noes: Barnhart, Dowell, Ellingson, Gillan, Hagener, Harrington, Heavy Runner, J. Johnson, R. Johnson, Krenzler, Menahan, Pease, Peck, Ream, Sands, Squires, Tuss, Wyatt.
Total 18

Excused: None.
Total 0

Absent or not voting: Swanson.
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Brainard moved that the Committee of the Whole report be adopted. Report adopted. (84-14)

MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 2**. Motion carried.

Mr. Speaker appointed the following members:

Representative Zook, Chairman
Representative Barnhart

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Representative Bergsagel

SB 382 - Representative Anderson moved SB 382 be taken from the table in the Committee on Judiciary, printed, and placed on second reading the next legislative day. Motion carried. (60-38)

HB 416 - Representative Prouse moved HB 416 be taken from the table in the Committee on Judiciary, printed, and placed on second reading the next legislative day. Motion failed. (14-85)

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 131**. Motion carried.

Mr. Speaker appointed the following members:

Representative Barnett, Chairman
Representative Trexler
Representative Squires

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 517**. Motion carried.

Mr. Speaker appointed the following members:

Representative Sliter, Chairman
Representative Tuss
Representative Vick

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 122**. Motion carried.

Mr. Speaker appointed the following members:

Representative Smith, Chairman
Representative Ahner
Representative McCulloch

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 389**. Motion carried.

Mr. Speaker appointed the following members:

Representative Simon, Chairman
Representative Brainard
Representative Galvin

SB 382 - Representative Krenzler moved she be allowed to change her vote on the SB 382 motion from aye to nay. Motion carried.

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ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House recess until 2:15 p.m. Motion carried.

House recessed at 1:41 p.m.

House reconvened at 2:17 p.m. Mr. Speaker in the Chair.

Roll call. Quorum present.

MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 27**. Motion carried.

Mr. Speaker appointed the following members:

Representative Bergman, Chairman
Representative Soft
Representative Sands

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 78**. Motion carried.

Mr. Speaker appointed the following members:

Representative Simpkins, Chairman
Representative Tropila
Representative Wells

SPECIAL ORDERS OF THE DAY

Representatives Bookout-Reinicke, Cocchiarella and Bergsagel escorted the University of Montana Women's Basketball team into the House Chambers.

Representative Bookout-Reinicke welcomed Coach Robin Selvig who introduced the players and coaches.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, April 9, 1997. Motion carried.

House adjourned at 2:29 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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Helena, Montana
April 9, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Walters. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/9/97
Correctly engrossed for third reading: SB 49, SB 100, SB 127, SB 130, SB 133, SB 134, SB 191, SB 213, SB 315, SB 338, SB 377, SJR 14, SJR 16.
Examined by the sponsor and found to be correct: HJR 7, HJR 8, HB 240, HB 408, HB 556.
Signed by the Speaker at 8:14 p.m. April 8, 1997: HB 543, HB 571, HB 365, HB 505, HB 541, HB 529, HB 566, HB 569, HB 156, HB 575, HB 437, HB 383, HB 216, HB 217, HJR 12, HJR 16, HJR 17, HJR 22, HJR 21, HJR 2.

FISH, WILDLIFE, & PARKS (Wagner, Chairman): 4/9/97
SB 394, be concurred in. Report adopted.

LOCAL GOVERNMENT (Mills, Chairman): 4/9/97
HJR 33, introduced bill, be amended as follows:

1. Page 2, line 10.
Following: "groups,"
Insert: "associations of elected officials, and private citizens,"

And, as amended, do pass. Report adopted.

SB 280, be amended as follows:

1. Page 1, line 12.
Strike: "\$23,000"
Insert: "\$28,000"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Denny, Chairman): 4/9/97
SJR 15, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill not concurred in and returned to the House: 4/7/97

HB 542, introduced by Peck

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House bill not concurred in and returned to the House: 4/7/97

HB 386, introduced by Molnar

Governor's amendments to Senate bill concurred in and transmitted to the House for concurrence in the Governor's amendments.

4/8/97

SB 124, introduced by Christiaens

House bill concurred in and returned to the House:

4/8/97

HB 231, introduced by Barnhart

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 4/8/97

HB 252, introduced by Molnar

House amendments to Senate bills concurred in:

4/8/97

SB 67, introduced by Benedict

SB 216, introduced by Van Valkenburg

SB 229, introduced by Thomas

The Senate, on 4/8/97, rejected House amendments to **SB 44**, appointed a conference committee, and requested the House to appoint a like committee to confer on **SB 44**.

President Aklestad appointed the following members:

Senator Holden, Chairman

Senator Crippen

Senator Halligan

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 8, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 160 sponsored by Representative Tash on April 8, 1997.

Sincerely,

MARC RACICOT
Governor

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The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 8, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 278 sponsored by Representative Stovall et al. on April 8, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 8, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 318 sponsored by Representative Gillan on April 8, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 8, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 377 sponsored by Representative Ryan et al. on April 8, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 8, 1997

Dear Representative Mercer:

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Please be informed that I have signed House Bill 421 sponsored by Representative Denny on April 8, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 8, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 480 sponsored by Representative Grimes et al. on April 8, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 8, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 560 sponsored by Representative Peck on April 8, 1997.

Sincerely,

MARC RACICOT
Governor

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Swanson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 534 - Representative Wells moved Senate amendments to HB 534 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney,

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Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 20 - Representative Cobb moved Senate amendments to HB 20 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Adams, Arnott, Brainard, Dowell, Jore, Rehbein, Vick, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: Harrington, Quilici.
Total 2

HB 31 - Representative Heavy Runner moved Senate amendments to HB 31 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Walters, Wells, Wiseman,

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Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Adams, Arnott, Boharski, Jore, Knox, Orr, Prouse, Wagner, Whitehead.
Total 9

Excused: None.
Total 0

Absent or not voting: Trexler.
Total 1

HB 53 - Representative Bohlinger moved Senate amendments to HB 53 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.
Total 90

Noes: Adams, Arnott, Bergman, Jore, Orr, Prouse, Zook.
Total 7

Excused: None.
Total 0

Absent or not voting: Boharski, Grinde, Sliter.
Total 3

HB 58 - Representative Ewer moved Senate amendments to HB 58 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Adams, Arnott, Boharski, Brainard, Curtiss, Jore, Mood, Orr, Vick.
Total 9

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 65 - Representative Menahan moved Senate amendments to HB 65 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Jore, Sliter, Taylor, Vick.

Total 4

Excused: None.

Total 0

Absent or not voting: Adams, Galvin.

Total 2

HB 68 - Representative McGee moved Senate amendments to HB 68 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Dowell, Ellingson, Heavy Runner, Hurdle, Pease, Prouse, Whitehead.

Total 7

Excused: None.

Total 0

Absent or not voting: Denny, Mood, Peck.

Total 3

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HB 72 - Representative Quilici moved Senate amendments to HB 72 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Curtiss.
Total 1

HB 74 - Representative Masolo moved Senate amendments to HB 74 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 76

Noes: Arnott, Bankhead, Bergsagel, Brainard, DeBruycker, Feland, Holland, R. Johnson, Jore, Kasten, Keenan, Lawson, McCann, McGee, Molnar, Orr, Peck, Prouse, Taylor, Trexler, Vick, Wagner, Wells.
Total 23

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

HB 75 - Representative Hagener moved Senate amendments to HB 75 be concurred in. Motion carried as follows:

Ayes: Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel,

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Total 92

Noes: Adams, Bitney, Boharski, Curtiss, Jore, Orr, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: Ahner.

Total 1

HB 76 - Representative Masolo moved consideration of HB 76 be placed below HB 77 on the second reading board. Motion carried.

HB 77 - Representative Simpkins moved Senate amendments to HB 77 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Adams, Beaudry, Bergman, Curtiss, Jore, Kasten, McGee, Peck, Prouse, Rehbein, Sliter, Whitehead.

Total 12

Excused: None.

Total 0

Absent or not voting: Sands, Smith.

Total 2

HB 76 - Representative Masolo moved Senate amendments to HB 76 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 97

Noes: Boharski, Denny.

Total 2

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

HB 89 - Representative Kottel moved Senate amendments to HB 89 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pease, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Bankhead, Boharski, Jore, Ohs, Peck, Prouse, Raney, Smith, Vick.

Total 10

Excused: None.

Total 0

Absent or not voting: Pavlovich, Story.

Total 2

HB 93 - Representative Hagener moved Senate amendments to HB 93 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Arnott, Boharski, Brainard, Devaney, Jore, Prouse, Vick.

Total 8

Excused: None.

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Total 0

Absent or not voting: McCann.

Total 1

HB 99 - Representative Trexler moved Senate amendments to HB 99 be concurred in. Motion failed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Bergman, Bitney, Bohlinger, Clark, DeBruycker, Devaney, Ellis, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, J. Johnson, Kasten, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, Ohs, Rehbein, Rose, Ryan, Simon, Simpson, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Walters, Wyatt, Zook.

Total 45

Noes: Adams, Arnott, Beaudry, Bergsagel, Boharski, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Jore, Keenan, Kottel, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Sands, Schmidt, Simpkins, Sliter, Smith, Squires, Swanson, Tuss, Vick, Wagner, Wells, Whitehead, Wiseman, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 104 - Representative Hagener moved Senate amendments to HB 104 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 84

Noes: Brainard, Clark, Cobb, Curtiss, DeBruycker, Feland, Heavy Runner, Prouse, Smith, Story, Trexler, Vick, Zook.

Total 13

Excused: None.

Total 0

Absent or not voting: Cocchiarella, Devaney, Simon.

Total 3

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HB 117 - Representative Pavlovich moved Senate amendments to HB 117 be not concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Adams, Brainard, Curtiss, Orr, Rehbein, Smith.

Total 6

Excused: None.

Total 0

Absent or not voting: Simon.

Total 1

HB 118 - Representative Grady moved Senate amendments to HB 118 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Boharski.

Total 1

Excused: None.

Total 0

Absent or not voting: Galvin, Simon, Sliter.

Total 3

HB 120 - Representative Rose moved Senate amendments to HB 120 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson,

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Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Boharski, Whitehead.
Total 2

Excused: None.
Total 0

Absent or not voting: Simon.
Total 1

HB 121 - Representative Simpkins moved Senate amendments to HB 121 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 89

Noes: Adams, Arnott, Boharski, Brainard, Curtiss, Denny, Dowell, Jore, Orr, Prouse, Wagner.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 125 - Representative Grady moved Senate amendments to HB 125 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 99

Noes: Rehbein.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 134 - Representative J. Johnson moved Senate amendments to HB 134 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Prouse, Schmidt.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 135 - Representative Smith moved Senate amendments to HB 135 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wiseman, Wyatt, Zook.

Total 70

Noes: Adams, Arnott, Boharski, Brainard, Curtiss, DeBruycker, Denny, Grimes, M. Hanson, Holland, Hurdle, Jore, Kasten, Keenan, McGee, Molnar, Mood, Orr, Prouse, Rehbein, Simpkins, Soft, Taylor, Vick, Wagner, Walters, Wells, Whitehead.

Total 28

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Excused: None.

Total 0

Absent or not voting: Dowell, Mr. Speaker.

Total 2

HB 137 - Representative Smith moved Senate amendments to HB 137 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 87

Noes: Adams, Barnhart, Boharski, Brainard, Curtiss, Hurdle, Jore, Prouse, Rehbein, Vick, Whitehead, Wyatt.

Total 12

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

HB 140 - Representative Krenzler moved Senate amendments to HB 140 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Quilici, Raney.

Total 2

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HB 146 - Representative R. Johnson moved Senate amendments to HB 146 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Adams, Boharski, Jore, Prouse.

Total 4

Excused: None.

Total 0

Absent or not voting: Molnar, Tuss.

Total 2

HB 151 - Representative Marshall moved Senate amendments to HB 151 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Beaudry, Boharski, Curtiss, Jore, Orr, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: Menahan, Tuss.

Total 2

HB 164 - Representative Tuss moved Senate amendments to HB 164 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney,

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Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 168 - Representative R. Johnson moved Senate amendments to HB 168 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, Curtiss, Molnar, Orr, Vick.

Total 5

Excused: None.

Total 0

Absent or not voting: Grinde, Sliter, Tuss.

Total 3

HB 172 - Representative Soft moved Senate amendments to HB 172 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story,

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Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 85

Noes: Arnott, Boharski, Cobb, Curtiss, Galvin, Jore, Orr, Rehbein, Smith, Vick, Wagner, Whitehead, Wyatt.
Total 13

Excused: None.
Total 0

Absent or not voting: Ohs, Ryan.
Total 2

HB 173 - Representative Squires moved Senate amendments to HB 173 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 83

Noes: Adams, Arnott, Bankhead, Boharski, DeBruycker, Jore, Kasten, Keenan, McCann, Molnar, Orr, Prouse, Rehbein, Vick, Wagner, Wells.
Total 16

Excused: None.
Total 0

Absent or not voting: Tuss.
Total 1

HB 180 - Representative Bohlinger moved Senate amendments to HB 180 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Adams, Arnott, Boharski, Brainard, Cobb, Hayne, Jore, Keenan, McGee, Molnar, Orr, Prouse, Vick, Wagner.
Total 14

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 183 - Representative Masolo moved Senate amendments to HB 183 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Arnott, Boharski, Jore, Keenan, Menahan, Orr, Rehbein, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: Taylor.

Total 1

HB 184 - Representative Peck moved Senate amendments to HB 184 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 88

Noes: Arnott, Boharski, Brainard, Cobb, Curtiss, Jore, Orr, Rehbein.

Total 8

Excused: None.

Total 0

Absent or not voting: Grinde, Sliter, Vick, Mr. Speaker.

Total 4

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HB 185 - Representative Bergsagel moved Senate amendments to HB 185 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Barnhart, Grinde, Sliter, Wyatt.

Total 4

HB 189 - Representative Barnett moved Senate amendments to HB 189 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Boharski.

Total 1

Excused: None.

Total 0

Absent or not voting: Grinde, Sliter.

Total 2

HB 190 - Representative Anderson moved Senate amendments to HB 190 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell,

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Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Adams, Jore.
Total 2

Excused: None.
Total 0

Absent or not voting: Grinde, Sliter.
Total 2

HB 193 - Representative H. Hanson moved Senate amendments to HB 193 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Curtiss, Rehbein, Whitehead.
Total 3

Excused: None.
Total 0

Absent or not voting: Sliter.
Total 1

HB 199 - Representative Knox moved Senate amendments to HB 199 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor,

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Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

HB 202 - Representative Galvin moved Senate amendments to HB 202 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 92

Noes: Adams, Arnott, Bergsagel, Jore, Keenan, McGee, Orr.
Total 7

Excused: None.
Total 0

Absent or not voting: Mills.
Total 1

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Swanson moved that the Committee of the Whole report be adopted. Report adopted. (94-3)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 3 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Clark, Cocchiarella, Curtiss, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCulloch, McGee, Menahan,

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Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 74

Noes: Adams, Barnhart, Boharski, Brainard, Carey, Cobb, DeBruycker, Denny, Dowell, Jore, Kasten, Keenan, Lawson, McCann, Mills, Orr, Peck, Prouse, Rehbein, Sliter, Story, Vick, Wagner, Wells, Wyatt.

Total 25

Excused: None.

Total 0

Absent or not voting: Trexler.

Total 1

HB 4 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Adams, Arnott, Boharski, Brainard, Cobb, DeBruycker, Dowell, Jore, Kasten, Keenan, Lawson, Molnar, Orr, Peck, Prouse, Rehbein, Vick, Wagner, Wells.

Total 19

Excused: None.

Total 0

Absent or not voting: Hagener.

Total 1

SB 49 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

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Noes: Brainard, Ewer, M. Hanson, Hurdle, Jore, Peck, Tropila, Tuss.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 127 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.
Total 98

Noes: DeBruycker.
Total 1

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

SB 130 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Hagener, Keenan, Orr, Peck, Tropila.
Total 5

Excused: None.
Total 0

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Absent or not voting: None.

Total 0

SB 134 concurred in as follows:

Ayes: Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Masolo, McGee, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Whitehead, Wiseman.

Total 58

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergsagel, Bitney, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Denny, Ewer, Feland, Galvin, Holland, Jore, Kasten, Keenan, Lawson, Marshall, McCann, McCulloch, Mills, Molnar, Mood, Orr, Prouse, Rose, Simpson, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wyatt, Zook, Mr. Speaker.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 191 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Devaney, Ellingson, Ellis, Ewer, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Kitzenberg, Kottel, Krenzler, Marshall, McCulloch, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 68

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Denny, Feland, Galvin, Gillan, R. Johnson, Jore, Keenan, Knox, Lawson, Masolo, McCann, McGee, Menahan, Orr, Peck, Prouse, Rehbein, Simpson, Sliter, Tuss, Wagner, Wells.

Total 31

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

SB 213 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski,

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Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Bergsagel.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 133 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Adams, Arnott, Bergsagel, Bitney, Brainard, Curtiss, DeBruycker, Feland, Grimes, Jore, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Sliter, Smith, Wells.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 100 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila,

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Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Adams, Brainard, Prouse.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 338 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Mr. Speaker.
Total 84

Noes: Arnott, Bankhead, Bergman, Bergsagel, Boharski, Curtiss, DeBruycker, Jore, McCann, McGee, Molnar, Peck, Prouse, Wells, Wyatt, Zook.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 377 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: DeBruycker, Hagener, Hurdle, Kasten, Peck.
Total 5

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 315 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Vick.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 14 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Adams, Arnott, DeBruycker, Devaney, Jore, Keenan, Knox, McGee, Molnar, Orr, Prouse, Rehbein, Vick, Wells.

Total 14

Excused: None.

Total 0

Absent or not voting: Bohlinger.

Total 1

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SJR 16 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 68

Noes: Adams, Arnott, Bergman, Bitney, Brainard, Clark, DeBruycker, Denny, Devaney, Feland, Grimes, H.S. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Marshall, Molnar, Orr, Peck, Prouse, Rehbein, Simon, Story, Taylor, Vick, Wagner, Walters, Wells, Zook.

Total 31

Excused: None.

Total 0

Absent or not voting: Boharski.

Total 1

HB 28 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 98

Noes: Curtiss, Wyatt.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 44 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch,

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McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Brainard, Cocchiarella, DeBruycker, Ewer, Gillan, Harper, Heavy Runner, Hurdle, Jore, Kottel, Krenzler, Tropila, Tuss.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 111 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 89

Noes: Carey, DeBruycker, Ellingson, Kasten, Rehbein, Sands, Swanson, Tropila, Tuss.
Total 9

Excused: None.
Total 0

Absent or not voting: Galvin, Grinde.
Total 2

HB 222 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 77

Noes: Barnhart, Brainard, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Hurdle, Keenan,

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Kottel, McCulloch, Molnar, Ream, Ryan, Sands, Squires, Tuss, Wyatt.
Total 21

Excused: None.
Total 0

Absent or not voting: Menahan, Trexler.
Total 2

HB 234 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 83

Noes: Cocchiarella, Ellingson, Ewer, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, Kasten, Peck, Raney, Ream, Ryan, Simpson, Squires, Swanson, Tuss.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 268 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 89

Noes: Adams, Cocchiarella, Ellingson, R. Johnson, Jore, Keenan, Ream, Smith, Squires, Tuss.
Total 10

Excused: None.
Total 0

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Absent or not voting: Grady.

Total 1

HB 538 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Beaudry, Devaney, Feland, Hurdle, Jore, Ream, Squires, Tuss.

Total 8

Excused: None.

Total 0

Absent or not voting: Krenzler.

Total 1

HB 66, Governor's amendments, concurred in as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Adams, Arnott, Bergman, Boharski, Brainard, Curtiss, DeBruycker, Devaney, Hayne, Holland, Jore, Kasten, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Sliter, Smith, Story, Trexler, Vick, Wagner, Wells.

Total 25

Excused: None.

Total 0

Absent or not voting: Anderson.

Total 1

REPORTS OF STANDING COMMITTEES

TAXATION (Hibbard, Chairman):

4/9/97

SB 272, be amended as follows:

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1. Title, line 8.

Strike: "A RETROACTIVE APPLICABILITY DATE,"

2. Page 1, line 30 through page 2 line 1.

Strike: section 2 in its entirety

Renumber: subsequent sections

3. Page 2, line 6.

Strike: "JANUARY 1, 1995,"

Insert: "[the effective date of this act]"

And, as amended, be concurred in. Report adopted.

SB 300, be amended as follows:

1. Title, line 9.

Strike: "\$12,000"

Insert: "\$15,000"

2. Page 1, line 20.

Strike: "\$12,000"

Insert: "\$15,000"

And, as amended, be concurred in. Report adopted.

SB 336, be concurred in. Report adopted.

SB 372, be amended as follows:

1. Page 1, line 15.

Strike: "A"

Insert: "For the purposes of this title, a"

2. Page 5, lines 20 through 22.

Strike: "The" on line 20 through "SECTION 11." on line 22

Insert: "In conveyances that result in a land split, the taxes must be based on the property as assessed on January 1 preceding the conveyance."

And, as amended, be concurred in. Report adopted.

MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 164**. Motion carried.

Mr. Speaker appointed the following members:

Representative Marshall, Chairman

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Representative Tuss
Representative Bitney

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 99**. Motion carried.

Mr. Speaker appointed the following members:

Representative Trexler, Chairman
Representative Cocchiarella
Representative Bookout-Reinicke

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 117**. Motion carried.

Mr. Speaker appointed the following members:

Representative Stovall, Chairman
Representative Pavlovich
Representative Devaney

HB 135 - Representative Smith moved the House reconsider its action on **HB 135**, Senate amendments taken on second reading this legislative day and not concur in order to send **HB 135** to a conference committee. Motion carried.

HB 234 - Representative Hagener moved she be allowed to change her vote on **HB 234**, third reading, from aye to nay. Motion carried.

SB 49 - Representative Boharski moved he be allowed to change his vote on **SB 49**, third reading, from abstain to aye. Motion carried.

SB 134 - Representative Schmidt moved she be allowed to change her vote on **SB 134**, third reading, from aye to nay. Motion carried.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Swanson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 203 - Representative R. Johnson moved Senate amendments to **HB 203** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell,

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Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Brainard, Prouse.
Total 2

Excused: None.
Total 0

Absent or not voting: Schmidt.
Total 1

HB 207 - Representative Grady moved Senate amendments to HB 207 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Vick.
Total 1

Excused: None.
Total 0

Absent or not voting: Boharski, Ohs.
Total 2

HB 238 - Representative Peck moved Senate amendments to HB 238 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

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Total 90

Noes: Arnott, Boharski, Curtiss, Denny, Jore, Orr, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: Barnhart, Smith, Wyatt.

Total 3

HB 251 - Representative Holland moved Senate amendments to HB 251 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Cobb, Cocchiarella, Ellingson, Ewer, Pease, Ream, Tuss.

Total 7

Excused: None.

Total 0

Absent or not voting: Bankhead, Smith.

Total 2

HB 263 - Representative Dowell moved Senate amendments to HB 263 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Adams, Brainard, Jore, Peck, Prouse, Smith, Wagner.

Total 7

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 264 - Representative Molnar moved Senate amendments to HB 264 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Raney, Rehbein, Rose, Simon, Simpkins, Simpson, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harrington, Heavy Runner, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Ream, Ryan, Sands, Schmidt, Squires, Tropila, Tuss, Whitehead, Wyatt.

Total 28

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

HB 266 - Representative Cocchiarella moved Senate amendments to HB 266 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Rehbein.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HB 271 - Representative Harper moved Senate amendments to HB 271 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Brainard, Clark.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 276 - Representative Kottel moved Senate amendments to HB 276 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Bergman.

Total 1

Excused: None.

Total 0

Absent or not voting: Simon.

Total 1

HB 285 - Representative Sliter moved Senate amendments to HB 285 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski,

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Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Zook, Mr. Speaker.

Total 91

Noes: Barnhart, Galvin, Heavy Runner, Tuss, Wyatt.

Total 5

Excused: None.

Total 0

Absent or not voting: Harrington, Mood, Raney, Wiseman.

Total 4

HB 287 - Representative Wiseman moved Senate amendments to HB 287 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Beaudry, Peck.

Total 2

Excused: None.

Total 0

Absent or not voting: Bergman, Heavy Runner.

Total 2

HB 302 - Representative Bohlinger moved Senate amendments to HB 302 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins,

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Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Adams, Bankhead, Beaudry, Boharski, Brainard, Curtiss, Holland, Jore, Kasten, Knox, Lawson, McGee, Molnar, Orr, Prouse, Rehbein, Sliter, Smith, Trexler, Vick, Wagner, Wells.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 308 - Representative Pavlovich moved Senate amendments to HB 308 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Prouse.

Total 1

Excused: None.

Total 0

Absent or not voting: Grinde, Pease, Sliter.

Total 3

HB 320 - Representative Anderson moved Senate amendments to HB 320 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

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Noes: Cobb, Hurdle, Peck.

Total 3

Excused: None.

Total 0

Absent or not voting: Pease, Whitehead.

Total 2

HB 323 - Representative Boharski moved Senate amendments to HB 323 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 59

Noes: Barnhart, Bergsagel, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 40

Excused: None.

Total 0

Absent or not voting: Pease.

Total 1

HB 331 - Representative Soft moved Senate amendments to HB 331 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pease, Peck, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bankhead, Cobb, Devaney, Feland, Jore, Kasten, Krenzler, Masolo, Orr, Pavlovich, Prouse, Quilici, Story.

Total 13

Excused: None.

Total 0

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Absent or not voting: Hagener.

Total 1

HB 333 - Representative Soft moved Senate amendments to HB 333 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Bankhead, Beaudry, Boharski, Jore, Knox, Orr, Prouse, Smith, Vick.

Total 10

Excused: None.

Total 0

Absent or not voting: Ewer.

Total 1

HB 337 - Representative Bohlinger moved Senate amendments to HB 337 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Mood, Ohs, Trexler.

Total 3

HB 339 - Representative Carey moved Senate amendments to HB 339 be concurred in.

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Representative Carey withdrew his previous motion.

Representative Carey moved Senate amendments to HB 339 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Anderson, Cocchiarella, Dowell, Ewer, Harrington, Heavy Runner, Ream, Rehbein, Ryan, Tuss.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 343 - Representative Grimes moved Senate amendments to HB 343 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Bookout.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 344 - Representative Peck moved Senate amendments to HB 344 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady,

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Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Adams, Beaudry, Boharski, Brainard, Cocchiarella, Curtiss, Jore, Knox, Orr, Prouse, Rehbein, Sliter, Wagner.

Total 13

Excused: None.

Total 0

Absent or not voting: Denny.

Total 1

HB 345 - Representative Masolo moved Senate amendments to HB 345 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Stovall, Swanson, Tash, Taylor, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kottel, Krenzler, McCulloch, Pavlovich, Pease, Quilici, Raney, Ryan, Simpson, Squires, Story, Trexler, Tropila, Tuss, Vick, Whitehead.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 346 - Representative Tropila moved Senate amendments to HB 346 be concurred in.

Representative Tropila withdrew his previous motion.

Representative Tropila moved Senate amendments to HB 346 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper,

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Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Dowell, Krenzler, Lawson, Ream.
Total 4

Excused: None.
Total 0

Absent or not voting: Grimes.
Total 1

HB 352 - Representative Sliter moved Senate amendments to HB 352 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Kasten, Molnar, Rehbein, Story, Taylor, Trexler, Tuss.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Swanson moved that the Committee of the Whole report be adopted. Report adopted. (91-5)

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill 48
Report No. 1, April 8, 1997

Mr. President and Mr. Speaker:

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We, your Free Conference Committee on Senate Bill 48, met and considered the bill in its entirety.

We recommend that Senate Bill 48 be amended as follows:

1. Title, page 1, line 20.
Strike: "A TRANSFERABLE"
Insert: "AN"
Following: "OFFENSE"
Insert: "LISTED UNDER 41-5-206"
2. Title, page 1, line 27.
Following: "STATUTES;"
Insert: "ALLOWING COMMITMENT TO THE DEPARTMENT OF CORRECTIONS AS A DISPOSITION FOR
DELINQUENT YOUTH;"
3. Title, page 2, line 4.
Strike: "AN INFORMAL"
Insert: "A"
4. Title, page 2, line 16.
Following: "PROCESS;"
Insert: "AUTHORIZING THE DEPARTMENT OF CORRECTIONS TO OPERATE A PILOT PROGRAM AND
TO DEVELOP RECOMMENDATIONS FOR ALLOCATION OF APPROPRIATIONS AMONG
JUDICIAL DISTRICTS;"
5. Title, page 2, line 21.
Strike: "41-5-812,"
6. Title, page 2, line 23.
Strike: "AND"
Following: "53-1-203,"
Insert: "AND 53-21-506,"
7. Title, page 2, line 24.
Following: "DATE"
Insert: "AND A TERMINATION DATE"
8. Page 13, lines 10 through 13.
Following: "intervention" on line 10
Strike: the remainder of line 10 through "officer" on line 13.
Insert: "or an alleged delinquent youth"
9. Page 16, line 8.
Strike: "an informal"
Insert: "a consent"
10. Page 22, line 8.
Strike: "A TRANSFERABLE"
Insert: "an"

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Following: "OFFENSE"

Insert: "listed under 41-5-206"

11. Page 25, line 15.

Strike: "OR"

12. Page 25, line 16.

Following: "(II)"

Insert: "the youth is alleged to be a youth in need of intervention or a delinquent youth and"

13. Page 25, line 18.

Following: "PROCESS"

Insert: "; or

(iii) the circumstances surrounding a youth who has committed an act that would be a felony if committed by an adult indicate the need for a youth assessment and the safety of the community has been considered in determining where the youth assessment is conducted"

14. Page 26, line 23 through page 27, line 7.

Strike: subsection (B) in its entirety

Renumber: subsequent subsection

15. Page 27, line 16.

Strike: "informal"

Insert: "consent"

16. Page 27.

Following: line 25

Insert: "(8) The juvenile probation officer or assessment officer shall collect the following information regarding a youth if the youth is alleged to be a delinquent youth and if the probation officer or assessment officer determines that the matter should be referred to the county attorney for filing a petition in youth court:

- (a) biographical data;
- (b) a description of prior and current offenses, including criminal history;
- (c) a listing of known or suspected associates;
- (d) any gang or drug involvement;
- (e) field investigation data;
- (f) motor vehicle ownership and offense data, if any;
- (g) whether the youth is a suspect in other criminal investigations;
- (h) history of any victimization of others by the youth;
- (i) the youth's status offense history;
- (j) existence of active warrants;
- (k) school, employment, and family histories;
- (l) social and medical services histories;
- (m) prior conduct in a youth detention or correctional facility, if any."

Renumber: subsequent subsections

17. Page 34, line 4.

Strike: "INFORMAL"

Insert: "consent"

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18. Page 34, line 20.

Strike: "informal"

Insert: "consent"

19. Page 37, line 22.

Strike: "MOST REASONABLY POSSIBLE"

Following: "EXTENT"

Insert: "possible"

20. Page 39, lines 3 and 4.

Strike: "41-5-523 or [section ~~33~~ 34]"

Insert: "[section 41]"

21. Page 39, line 24.

Strike: "or"

Insert: ", "

22. Page 39, line 25.

Following: "guardian"

Insert: ", or the public"

23. Page 40, lines 21.

Strike: "informal"

24. Page 40, line 23.

Strike: "(1)"

25. Page 40, line 24.

Strike: "an informal"

Insert: "a"

26. Page 40, line 27.

Strike: "(A)"

Insert: "(1)"

Renumber: subsequent subsections

27. Page 41, lines 13 and 14.

Strike: "with" through "(I)" on line 14

Insert: "subject to the conditions in [section 35]."

28. Page 41, line 17.

Following: "÷"

Insert: ". "

29. Page 41, lines 24 through 26.

Strike: subsection (II) in its entirety

30. Page 42, line 13.

Strike: "(1)(C)"

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Insert: "(3)"

31. Page 43, line 2.

Strike: "(I)"

Insert: "(a)"

Renumber: subsequent subsections

32. Page 43, line 4.

Strike: "an informal"

Insert: "a"

33. Page 46, line 5 through page 47, line 24.

Strike: subsections (2) through (5) in their entirety

34. Page 47.

Following: line 29

Insert: "(b) commit the youth to the department for placement in a state youth correctional facility or in a correctional facility or a program operated by the department;"

Renumber: subsequent subsections

35. Page 47, line 30.

Strike: "(1)(C)(II) OR (1)(N)(I)"

Insert: "(14)(a)"

Strike: "(35)(1)"

Insert: "35"

36. Page 48, line 1.

Strike: "(36)(2)"

Insert: "36"

37. Page 49, lines 1 and 2.

Following: the second "the" on line 1

Strike: the remainder of line 1 through "the" on line 2

38. Page 49.

Following: line 9

Insert: "(3) The department may not place a youth in need of intervention, a youth adjudicated delinquent for commission of an act that would not be an offense if committed by an adult, or a youth who violates a consent adjustment in a state youth correctional facility."

39. Page 50, line 22.

Strike: "(1)(N)(I)"

Insert: "(14)(a)"

40. Page 50, line 24.

Strike: "transferable to district court"

Insert: "listed"

41. Page 50, line 26.

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Strike: "41-5-206,"

Following: "41-5-208"

Strike: ", "

Following: "41-5-1105"

Insert: "or the jurisdiction of the youth court is terminated following the filing of an information in district court pursuant to 41-5-206"

42. Page 57, line 9.

Strike: "implement and maintain"

Insert: "assist any"

43. Page 58, lines 6 through 14.

Strike: section 50 in its entirety

Renumber: subsequent sections

44. Page 65, line 9.

Following: "FACILITIES"

Insert: "that are responsible for the custody of the youth"

45. Page 74.

Following: line 14

Insert: "Section 71. Section 53-21-506, MCA, is amended to read:

"53-21-506. No commitment to Montana state hospital. An individual ~~less than~~ who is under 18 years of age may not be voluntarily admitted or committed by a court to the Montana state hospital unless ~~such individual is transferred to~~ an information has been filed in district court pursuant to 41-5-206."

Renumber: subsequent sections

46. Page 75.

Following: line 2

Insert: "NEW SECTION. Section 73. Intervention in delinquency pilot program -- department study of youth placement costs -- development of incremental scale -- report to legislature -- department responsibilities.

(1) The department of corrections may conduct a pilot project, the results of which may be used as the basis for developing the incremental costs scale provided for in subsection (3). As a part of the pilot project, the department may identify each judicial district as a high-spending district, an average-spending district, or a low-spending district for youth placements. The department may analyze each category of district and identify the reasons for the spending characteristics in each category of district, such as types of youth, types of crimes committed, effectiveness of programs (including but not limited to the rates of recidivism), community sentiment, availability or lack of availability of placements, length of stay in placements, and case management. The department may target the high-spending districts and work with them in identifying and creating appropriate, lower-cost, and less restrictive placements.

(2) The department may create an account for a high-spending rural judicial district and a high-spending urban judicial district that is based on expenditures for fiscal year 1996 and fiscal year 1997 and may credit each with a proportion of appropriated placement funds. The proportionate share of the appropriations must be based on the types of youth, types of placements, youth population from 10 to 18 years of age, and a measure of the youth crime rate. The department may work with the regional supervisor, the chief juvenile probation officer, and the youth placement committees in the respective judicial districts to educate them regarding their allocation, to identify all potential placements and funding sources, and to consider the lowest-cost option that is in the best interests of the youth, the victim, and the safety of the community.

(3) The department may study the expenditures for placements for youth offenders for the fiscal years

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1996, 1997, and 1998 and develop an incremental costs scale for the purposes of developing a system to charge each judicial district account with the costs of a placement and to credit a judicial district account for using the least restrictive placements and developing community-based programs. The proportional share allocated to each judicial district must be based on the types of youth, types of placements, youth population from 10 to 18 years of age, and a measure of the youth crime rate.

(4) If the department conducts a pilot program under this section, the department shall present a proposal to the 56th legislature that includes the following elements:

(a) The information gathered from the pilot program, as provided in subsections (2) and (3), must be used in the development of the incremental costs scale.

(b) There must be a recommendation for a method to return any balance remaining at the end of a fiscal year to the judicial districts for the explicit purposes of developing additional community programs for youth court purposes.

(c) The assumptions in subsection (5) must be incorporated as a part of the proposed incremental costs scale.

(d) There must be a recommendation and justification for whether to include the state youth correctional facilities and correctional facilities and programs operated by the department in the incremental costs scale.

(5) For purposes of a pilot program, the department shall assume that the department is responsible for:

(a) the payment of residential and treatment costs for adjudicated youth placed in an out-of-home residence or committed to the department for purposes of funding a private residential placement under 41-5-523 or [section 34];

(b) all placement costs of a youth adjudicated in youth court for an offense listed in 41-5-206;

(c) education costs as provided in 20-5-323 and Title 20, chapter 7, part 4; and

(d) treatment costs that are over and above the costs of treatment for which the:

(i) youth is qualified under the public mental health system and medicaid; and

(ii) parent or guardian has third-party coverage.

(6) If the department conducts a pilot program under this section, the department shall prepare a summary of the results of the study and report to the 56th legislature."

Renumber: subsequent sections

47. Page 79.

Following: line 20

Insert: "(4) If Senate Bill No. 6 and [this act] are both passed and approved, then subsection (3) of 45-8-318 must be amended to read as follows:

"(3) The youth court has jurisdiction of any violation of subsection (1)(b) unless ~~a youth's case is transferred to the charge is filed in~~ district court, in which case the district court has jurisdiction."

(5) If House Bill No. 114 and [this act] are both passed and approved, then:

(a) [section 6(3)] of the coordination instruction in House Bill No. 114 is void; and

(b) [section 9] of the coordination instruction in House Bill No. 114 must read as follows:

"NEW SECTION. Section 9. Informal disposition. (1) After a preliminary inquiry under 41-5-301, the probation officer or assessment officer upon determining that further action is required and that referral to the county attorney is not required may:

(a) provide counseling, refer the youth and the youth's family to another agency providing appropriate services, or take any other action or make any informal adjustment that does not involve probation or detention; or

(b) provide for treatment or adjustment involving probation or other disposition authorized under 41-5-401 through 41-5-403 if the treatment or adjustment is voluntarily accepted by the youth's parents or guardian and the youth, if the matter is referred immediately to the county attorney for review, and if the probation officer or assessment officer proceeds no further unless authorized by the county attorney.

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(2) The juvenile probation officer or assessment officer shall collect the following information regarding a youth if the youth is alleged to be a delinquent youth and if the probation officer or assessment officer determines that the matter should be referred to the county attorney for filing a petition in youth court:

- (a) biographical data;
- (b) a description of prior and current offenses, including criminal history;
- (c) a listing of known or suspected associates;
- (d) any gang or drug involvement;
- (e) field investigation data;
- (f) motor vehicle ownership and offense data, if any;
- (g) whether the youth is a suspect in other criminal investigations;
- (h) history of any victimization of others by the youth;
- (i) the youth's status offense history;
- (j) existence of active warrants;
- (k) school, employment, and family histories;
- (l) social and medical services histories;
- (m) prior conduct in a youth detention or correctional facility, if any."

(c) [section 46(1)] of the coordination instruction in House Bill No. 114 must read as follows:

"(1) The probation officer or assessment officer may perform a youth assessment if:

- (a) a youth has been referred to the youth court as an alleged youth in need of intervention with a minimum of two misdemeanor offenses or three offenses in the past year that would not be offenses if the youth were an adult;
- (b) the youth is alleged to be a youth in need of intervention or a delinquent youth and the youth or the youth's parents or guardian requests the youth assessment and both the youth and the parents or guardian are willing to cooperate with the assessment process; or
- (c) the circumstances surrounding a youth who has committed an act that would be a felony if committed by an adult indicate the need for a youth assessment and the safety of the community has been considered in determining where the youth assessment is conducted."

48. Page 80.

Following: line 1

Insert: "NEW SECTION. Section 82. Termination. [Section 73] terminates December 31, 1998."

And that this Free Conference Committee report be adopted.

For the Senate:

Sprague, Chairman
Swysgood
Halligan

For the House:

R. Johnson, Chairman
Molnar
Wyatt

MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 135**. Motion carried.

Mr. Speaker appointed the following members:

Representative Boharski, Chairman

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Representative Smith
Representative Pease

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 285**. Motion carried.

Mr. Speaker appointed the following members:

Representative Wagner, Chairman
Representative Sliter
Representative Harper

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 264**. Motion carried.

Mr. Speaker appointed the following members:

Representative Curtiss, Chairman
Representative Molnar
Representative Harrington

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 339**. Motion carried.

Mr. Speaker appointed the following members:

Representative Grimes, Chairman
Representative Carey
Representative Tash

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, April 10, 1997. Motion carried.

House adjourned at 3:38 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
April 10, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Ahner. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Knox, Kottel, Grimes, Orr, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the seventy-second legislative day, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/10/97
Correctly printed for second reading: SB 382, SB 272, SB 280, SB 300, SB 372, SB 336, SB 394, SJR 15, HJR 33.
Correctly enrolled: HB 3, HB 4, HB 28, HB 44, HB 111, HB 222, HB 234, HB 268, HB 538, HJR 14, HJR 26, HJR 29, HJR 30, HB 231.
Examined by the sponsor and found to be correct: HB 231.
Signed by the Speaker at 6:14 p.m., April 9, 1997: HJR 8, HJR 7, HB 408, HB 240, HB 556, HB 170, HB 114.
Delivered to the Secretary of State at 9:15 a.m., April 10, 1997: HJR 12, HJR 16, HJR 17, HJR 21, HJR 22.
Delivered to the Governor for his approval at 3:40 p.m., April 10, 1997: HB 437, HB 571, HB 543, HB 365, HB 505, HB 541, HB 529, HB 566, HB 569, HB 156, HB 575, HB 383, HB 216, HB 217.

MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/9/97

HB 248, introduced by Harper
HB 531, introduced by Swanson

House joint resolutions concurred in as amended and returned to the House for concurrence in Senate amendments: 4/9/97

HJR 4, introduced by McCann
HJR 13, introduced by Curtiss
HJR 25, introduced by Brainard

House joint resolutions concurred in and returned to the House:

4/9/97

HJR 14, introduced by Curtiss
HJR 26, introduced by Curtiss
HJR 29, introduced by Cocchiarella
HJR 30, introduced by Ahner

House amendments to Senate bills concurred in:

4/9/97

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SB 63, introduced by Foster
SB 79, introduced by Christiaens
SB 87, introduced by Jergeson
SB 95, introduced by Halligan
SB 112, introduced by Van Valkenburg
SB 118, introduced by Crismore
SB 219, introduced by Franklin
SB 234, introduced by Brooke
SB 263, introduced by Bishop
SB 297, introduced by Brooke
SB 344, introduced by Harp
SB 349, introduced by Keating
SB 375, introduced by Thomas

The Senate, on 4/9/97, acceded to the request of the House and appointed a conference committee to meet with a like committee from the House to confer on **HB 27**.

President Aklestad appointed the following members:

Senator Benedict, Chairman
Senator Estrada
Senator Christiaens

The Senate, on 4/9/97, acceded to the request of the House and appointed a conference committee to meet with a like committee from the House to confer on **HB 78**.

President Aklestad appointed the following members:

Senator Hertel, Chairman
Senator Grosfield
Senator Wilson

The Senate, on 4/9/97, acceded to the request of the House and appointed a conference committee to meet with a like committee from the House to confer on **HB 122**.

President Aklestad appointed the following members:

Senator Grosfield, Chairman
Senator McNutt
Senator Bartlett

The Senate, on 4/9/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 131**.

President Aklestad appointed the following members:

Senator Benedict, Chairman
Senator Crismore

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Senator McCarthy

The Senate, on 4/9/97, failed to concur in House amendments to **SB 85** and appointed a free conference committee, requesting that the House appoint a like committee to confer on House amendments to SB 85.

President Aklestad appointed the following members:

Senator Baer, Chairman
Senator DePratu
Senator Jergeson

The Senate, on 4/10/97, acceded to the request of the House and appointed a conference committee to meet with a like committee from the House to confer on **HB 389**.

President Aklestad appointed the following members:

Senator Gage, Chairman
Senator Grosfield
Senator Wilson

The Senate, on 4/7/97, rejected House amendments to **SB 195**, appointed a free conference committee, and requested the House to appoint a like committee to confer on SB 195.

President Aklestad appointed the following members:

Senator Harp, Chairman
Senator Crippen
Senator Halligan

The Senate, on 4/9/97, rejected House amendments to **SB 381**, appointed a conference committee, and requested the House appoint a like committee to confer on SB 381.

President Aklestad appointed the following members:

Senator Benedict, Chairman
Senator DePratu
Senator Franklin

The Senate, on 4/10/97, dissolved the conference committee on **SB 99** and appointed a free conference committee to meet with a like committee from the House to confer on SB 99.

President Aklestad appointed the following members:

Senator Thomas, Chairman
Senator Halligan
Senator McNutt

Representative Grinde moved the House recess until 2:00 p.m. Motion carried.

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House recessed at 1:09 p.m.

House reconvened at 2:00 p.m. Mr. Speaker in the Chair.

Roll call. Quorum present.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kasten in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 388 - Representative Simon moved Senate amendments to HB 388 be not concurred in. Motion failed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ewer, Grinde, M. Hanson, Holland, Jore, Keenan, Kitzenberg, Marshall, Masolo, McGee, Mills, Mood, Prouse, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Stovall, Swanson, Tash, Trexler, Tuss, Vick, Walters, Wells, Mr. Speaker.

Total 44

Noes: Barnhart, Beaudry, Bergman, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Knox, Kottel, Krenzler, Lawson, McCulloch, Menahan, Molnar, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Soft, Squires, Story, Taylor, Tropila, Wagner, Whitehead, Wiseman, Wyatt, Zook.

Total 52

Voted Absentee: Knox, Kottel, Noes.

Excused: Grimes, Orr.

Total 2

Absent or not voting: Cobb, McCann.

Total 2

HB 519 - Representative Wyatt moved Senate amendments to HB 519 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead,

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Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Arnott, Jore, Prouse.
Total 3

Excused: Grimes, Knox, Kottel, Orr.
Total 4

Absent or not voting: Cobb, Grinde, Ohs, Simon, Sliter.
Total 5

SB 124 - Representative Denny moved Governor's amendments to SB 124 be concurred in.

Representative Denny moved consideration of SB 124 be placed at the bottom of the second reading board. Motion carried.

HJR 33 - Representative Denny moved HJR 33 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 92

Noes: Adams, Arnott, Jore, Prouse.
Total 4

Voted Absentee: Knox, Kottel, Ayes.

Excused: Grimes, Orr.
Total 2

Absent or not voting: Ellingson, Squires.
Total 2

SB 280 - Representative Ellingson moved SB 280 be concurred in.

Representative Brainard moved SB 280, second reading copy, be amended as follows (amendment #1):

1. Title, line 5.

Following: "FEE INCREASE;"

Insert: "ALLOWING A JUDGE TO SOLICIT BIDS FOR THE WORK PERFORMED BY A COURT REPORTER;"

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2. Page 1, line 13.

Following: "3-5-604"

Insert: ", unless the judge decides to solicit bids for the work performed by the reporter, in which case the salary must be for the amount specified in the bid accepted by the judge"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Brainard, Clark, Curtiss, Denny, Ellingson, Ellis, H.S. Hanson, M. Hanson, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Masolo, McGee, Menahan, Molnar, Mood, Prouse, Ream, Rehbein, Rose, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 54

Noes: Arnott, Bergsagel, Boharski, Bookout, Carey, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, Harper, Harrington, Hayne, Heavy Runner, J. Johnson, Kitzenberg, Krenzler, Lawson, Marshall, McCann, McCulloch, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ryan, Schmidt, Squires, Swanson, Tropila, Tuss, Walters.

Total 42

Excused: Grimes, Knox, Kottel, Orr.

Total 4

Absent or not voting: None.

Total 0

Motion to concur in SB 280, as amended, carried as follows:

Ayes: Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Harper, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Ryan, Sands, Simpkins, Smith, Soft, Squires, Swanson, Tuss, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 53

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bitney, Boharski, Brainard, DeBruycker, Feland, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Holland, Jore, Kasten, Keenan, Lawson, Marshall, Masolo, McCann, Molnar, Peck, Prouse, Rehbein, Rose, Schmidt, Simon, Simpson, Sliter, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Zook.

Total 45

Voted Absentee: Knox, Kottel, Ayes.

Excused: Grimes, Orr.

Total 2

Absent or not voting: None.

Total 0

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SB 394 - Representative Grinde moved consideration of SB 394 be passed for the day. Motion carried.

SJR 15 - Representative Quilici moved SJR 15 be concurred in. Motion carried as follows:

Ayes: Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Adams, Boharski, DeBruycker, Jore, Prouse, Rehbein, Story, Wells.

Total 8

Voted Absentee: Knox, Kottel, Ayes.

Excused: Grimes, Orr.

Total 2

Absent or not voting: Anderson, Keenan, Vick.

Total 3

HB 360 - Representative Menahan moved Senate amendments to HB 360 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Kottel, Aye.

Excused: Grimes, Knox, Orr.

Total 3

Absent or not voting: Keenan.

Total 1

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HB 361 - Representative Harper moved Senate amendments to HB 361 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Arnott, Bergsagel, Jore, Lawson, McGee, Prouse, Sliter.

Total 7

Voted Absentee: Kottel, Aye.

Excused: Grimes, Knox, Orr.

Total 3

Absent or not voting: Beaudry.

Total 1

HB 371 - Representative Ahner moved Senate amendments to HB 371 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Prouse, Whitehead.

Total 2

Voted Absentee: Kottel, Aye.

Excused: Grimes, Knox, Orr.

Total 3

Absent or not voting: Bergman.

Total 1

HB 376 - Representative Tropila moved Senate amendments to HB 376 be concurred in. Motion carried as follows:

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Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 85

Noes: Adams, Arnott, Bergsagel, Cocchiarella, Jore, Prouse, Rehbein, Taylor, Vick.
Total 9

Voted Absentee: Kottel, Aye.

Excused: Grimes, Knox, Orr.
Total 3

Absent or not voting: Boharski, Grinde, Schmidt.
Total 3

HB 394 - Representative Grinde moved Senate amendments to HB 394 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 88

Noes: Cobb, Ewer, Hagener, Heavy Runner, Hurdle, Ream, Whitehead, Wyatt.
Total 8

Voted Absentee: Kottel, Aye.

Excused: Grimes, Knox, Orr.
Total 3

Absent or not voting: Soft.
Total 1

HB 395 - Representative Beaudry moved Senate amendments to HB 395 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney,

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Dowell, Ellingson, Ellis, Ewer, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Galvin, Hagener, Harper, Heavy Runner, Hurdle, Kottel, Krenzler, Lawson, Peck, Raney, Simpkins, Simpson, Tropila, Tuss, Whitehead, Wyatt.

Total 16

Voted Absentee: Kottel, No.

Excused: Grimes, Knox, Orr.

Total 3

Absent or not voting: Gillan.

Total 1

HB 399 - Representative Tuss moved Senate amendments to HB 399 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Arnott, R. Johnson, Peck, Rose, Smith, Soft.

Total 6

Voted Absentee: Kottel, Aye.

Excused: Grimes, Knox, Orr.

Total 3

Absent or not voting: None.

Total 0

HB 401 - Representative Barnett moved Senate amendments to HB 401 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten,

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Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Kottel, Aye.

Excused: Grimes, Knox, Orr.

Total 3

Absent or not voting: Mills.

Total 1

HB 406 - Representative Bankhead moved Senate amendments to HB 406 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Anderson, Boharski, Heavy Runner, Hurdle, Jore, Kottel, Marshall, Peck, Whitehead.

Total 9

Voted Absentee: Kottel, No.

Excused: Grimes, Knox, Orr.

Total 3

Absent or not voting: Grinde, Mills, Sliter.

Total 3

HB 407 - Representative Ewer moved Senate amendments to HB 407 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon,

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Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Adams, Prouse.

Total 2

Voted Absentee: Kottel, Aye.

Excused: Grimes, Knox, Orr.

Total 3

Absent or not voting: Tropila.

Total 1

HB 422 - Representative Gillan moved Senate amendments to HB 422 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Jore, Vick.

Total 2

Voted Absentee: Kottel, Aye.

Excused: Grimes, Knox, Orr.

Total 3

Absent or not voting: Devaney, Hibbard, Pavlovich.

Total 3

HB 426 - Representative Grinde moved Senate amendments to HB 426 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 97

Noes: None.

Total 0

Voted Absentee: Kottel, Aye.

Excused: Grimes, Knox, Orr.

Total 3

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Kasten moved that the Committee of the Whole report be adopted.

Representative Simon made a substitute motion HB 388 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried. (55-40)

MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 195**. Motion carried.

Mr. Speaker appointed the following members:

Representative Hibbard, Chairman
Representative Harrington
Representative Story

SB 99 - Representative Grinde moved the House dissolve the conference committee on SB 99 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to SB 99. Motion carried.

Mr. Speaker appointed the following members:

Representative Soft, Chairman
Representative McGee
Representative Wyatt

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 44**. Motion carried.

Mr. Speaker appointed the following members:

Representative Anderson, Chairman
Representative Ellingson
Representative McGee

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Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 85**. Motion carried.

Mr. Speaker appointed the following members:

Representative Jore, Chairman
Representative Simpson
Representative Wells

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 346**. Motion carried.

Mr. Speaker appointed the following members:

Representative Masolo, Chairman
Representative Tropila
Representative Boharski

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, April 11, 1997. Motion carried.

House adjourned at 3:34 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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Helena, Montana
April 11, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bergman. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Grimes, Kottel, Orr, Sands, Simpkins, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/11/97

Correctly engrossed for third reading: SB 280, SJR 15, HJR 33.

Examined by the sponsor and found to be correct: HJR 14, HJR 26, HJR 30, HB 3, HB 28, HB 111, HB 538.

Signed by the Speaker at 7:10 a.m., April 11, 1997: HB 231.

Delivered to the Governor for further consideration at 11:05 a.m., April 11, 1997: HB 384, HB 195.

TAXATION (Hibbard, Chairman):

4/11/97

SB 386, be amended as follows:

1. Title, line 9.

Following: "BARREL;"

Insert: "PROVIDING STATUTORY APPROPRIATIONS;"

2. Title, line 10.

Following: "15-36-324,"

Insert: "15-36-325, 17-7-502,"

3. Title, line 11.

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES AND A TERMINATION DATE"

4. Page 14, line 29.

Insert: "Section 10. Section 15-36-324, MCA, is amended to read:

"15-36-324. Distribution of taxes -- rules. (1) For each calendar quarter, the department of revenue shall determine the amount of tax, late payment interest, and penalty collected under this part. For purposes of distribution of the taxes to county and school taxing units, the department shall determine the amount of oil and natural gas production taxes paid on production from pre-1985 wells, post-1985 wells, and horizontally drilled wells located in the taxing unit.

(2) Except as provided in subsections (3) ~~and (4)~~, through (5), oil production taxes must be distributed as follows:

(a) The amount equal to ~~41.6%~~ 39.3% of the oil production taxes, including late payment interest and penalty, collected under this part must be distributed as provided in subsection ~~(7)~~ (8).

(b) The remaining ~~58.4%~~ 60.7% of the oil production taxes, plus accumulated interest earned on the amount allocated under this subsection (2)(b), must be deposited in the ~~agency~~ state special revenue fund in the state treasury and transferred to the county and school taxing units for distribution as provided in subsection ~~(8)~~ (11).

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(3) (a) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on production from post-1985 wells occurring during the first 12 months of production must be distributed as provided in subsection ~~(7)~~ (9).

(b) (i) The amount equal to 10.25% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on production from post-1985 wells occurring during the next 12 months of production must be distributed as provided in subsection (9).

(ii) The remaining 89.75% of the oil production taxes, plus accumulated interest earned on the amount allocated under this subsection (3)(b), must be deposited in the state special revenue fund in the state treasury and transferred to the county and school taxing units for distribution as provided in subsection (11).

(4) (a) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected under this part on production from horizontally ~~drilled~~ completed wells ~~and on the incremental production from horizontally recompleted wells~~ occurring during the first 18 months of production must be distributed as provided in subsection ~~(7)~~ (9).

(b) (i) The amount equal to 10.25% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on production from horizontally completed wells occurring during the next 6 months of production must be distributed as provided in subsection (9).

(ii) The remaining 89.75% of the oil production taxes, plus accumulated interest earned on the amount allocated under this subsection (4)(b), must be deposited in the state special revenue fund in the state treasury and transferred to the county and school taxing units for distribution as provided in subsection (11).

(c) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected under this part on the incremental production from horizontally recompleted wells occurring during the first 18 months of production must be distributed as provided in subsection (8).

(5) (a) The amount equal to 13.8% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on stripper exemption production from pre-1985 wells and post-1985 wells must be distributed as provided in subsection (9).

(b) The remaining 86.2% of the oil production taxes, plus accumulated interest earned on the amount allocated under this subsection (5)(b), must be deposited in the state special revenue fund in the state treasury and transferred to the county and school taxing units for distribution as provided in subsection (11).

~~(5)(6)~~ Except as provided in subsection ~~(6)~~ (7), natural gas production taxes must be allocated as follows:

(a) The amount equal to ~~14.6%~~ 14% of the natural gas production taxes, including late payment interest and penalty, collected under this part must be distributed as provided in subsection ~~(7)~~ (10).

(b) The remaining ~~85.4%~~ 86% of the natural gas production taxes, plus accumulated interest earned on the amount allocated under this subsection ~~(5)(b)~~ (6)(b), must be deposited in the ~~agency~~ state special revenue fund in the state treasury and transferred to the county and school taxing units for distribution as provided in subsection ~~(8)~~ (11).

~~(6)(7)~~ (a) The amount equal to 100% of the natural gas production taxes, including late payment interest and penalty, collected from working interest owners under this part on production from post-1985 wells occurring during the first 12 months of production must be distributed as provided in subsection ~~(7)~~ (9).

(b) (i) The amount equal to 6.25% of the natural gas production taxes, including late payment interest and penalty, collected from working interest owners on production from post-1985 wells occurring during the next 12 months of production must be distributed as provided in subsection (9).

(ii) The remaining 93.75% of the oil production taxes, plus accumulated interest earned on the amount allocated under this subsection (7)(b), must be deposited in the state special revenue fund in the state treasury and transferred to the county and school taxing units for distribution as provided in subsection (11).

~~(7)(8)~~ The department shall, in accordance with the provisions of 15-1-501~~(6)~~, distribute the state portion

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of oil and natural gas production taxes specified in subsections (2)(a) and (4)(c), including late payment interest and penalty collected, as follows:

(a) ~~85%~~ 86.21% to the state general fund;

(b) ~~4.3%~~ 5.17% to the state special revenue fund for the purpose of paying expenses of the board as provided in 82-11-135; and

(c) ~~10.7%~~ 8.62% to be distributed as provided by 15-38-106(2).

(9) The department shall distribute the state portion of oil and natural gas production taxes specified in subsections (3)(a), (3)(b)(i), (4)(a), (4)(b)(i), (5)(a), (7)(a), and (7)(b)(i), including late payment interest and penalty collected, as follows:

(a) 37.5% to the state special revenue fund for the purpose of paying expenses of the board as provided in 82-11-135; and

(b) 62.5% to be distributed as provided by 15-38-106(2).

(10) The department shall, in accordance with the provisions of 15-1-501, distribute the state portion of natural gas production taxes specified in subsection (6)(a), including late payment interest and penalty collected, as follows:

(a) 76.8% to the state general fund;

(b) 8.7% to the state special revenue fund for the purpose of paying expenses of the board as provided in 82-11-135; and

(c) 14.5% to be distributed as provided by 15-38-106(2).

~~(8)~~(11) (a) For the purpose of distribution of the oil and natural gas production taxes from pre-1985 wells, the department shall each calendar quarter adjust the unit value determined under 15-36-323 according to the ratio that the oil and natural gas production taxes from pre-1985 wells collected during the calendar quarter for which the distribution occurs plus penalties and interest on delinquent oil and natural gas production taxes from pre-1985 wells bears to the total liability for the oil and natural gas production taxes from pre-1985 wells for the quarter for which the distribution occurs. The amount of oil and natural gas production taxes distributions must be calculated and distributed as follows:

(i) By the dates referred to in subsection ~~(9)~~ (12), the department shall calculate and distribute to each eligible county the amount of oil and natural gas production taxes from pre-1985 wells for the quarter, determined by multiplying the unit value, as adjusted in this subsection ~~(8)(a)~~ (11)(a), by the units of production on which oil and natural gas production taxes from pre-1985 wells were owed for the calendar quarter for which the distribution occurs.

(ii) Any amount by which the total tax liability exceeds or is less than the total distributions determined in this subsection ~~(8)(a)~~ (11)(a) must be calculated and distributed in the following manner:

(A) The excess amount or shortage must be divided by the total distribution determined for that period to obtain an excess or shortage percentage.

(B) The excess percentage must be multiplied by the distribution to each taxing unit, and this amount must be added to the distribution to each respective taxing unit.

(C) The shortage percentage must be multiplied by the distribution to each taxing unit, and this amount must be subtracted from the distribution to each respective taxing unit.

(b) Except as provided in subsection ~~(8)(c)~~ (11)(c), the county treasurer shall distribute the money received under subsection ~~(9)~~ (12) from pre-1985 wells to the taxing units that levied mills in fiscal year 1990 against calendar year 1988 production in the same manner that all other property tax proceeds were distributed during fiscal year 1990 in the taxing unit, except that a distribution may not be made to a municipal taxing unit.

(c) The board of county commissioners of a county may direct the county treasurer to reallocate the distribution of oil and natural gas production tax money that would have gone to a taxing unit, as provided in subsection ~~(8)(b)~~ (11)(b), to another taxing unit or taxing units, other than an elementary school or high school, within the county under the following conditions:

(i) The county treasurer shall first allocate the oil and natural gas production taxes to the taxing units

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within the county in the same proportion that all other property tax proceeds were distributed in the county in fiscal year 1990.

(ii) If the allocation in subsection ~~(8)(e)(i)~~ (11)(c)(i) exceeds the total budget for a taxing unit, the commissioners may direct the county treasurer to allocate the excess to any taxing unit within the county.

(d) The board of trustees of an elementary or high school district may reallocate the oil and natural gas production taxes distributed to the district by the county treasurer under the following conditions:

(i) The district shall first allocate the oil and natural gas production taxes to the budgeted funds of the district in the same proportion that all other property tax proceeds were distributed in the district in fiscal year 1990.

(ii) If the allocation under subsection ~~(8)(d)(i)~~ (11)(d)(i) exceeds the total budget for a fund, the trustees may allocate the excess to any budgeted fund of the school district.

(e) For all production from post-1985 wells and horizontally drilled wells completed after December 31, 1993, the county treasurer shall distribute oil and natural gas production taxes received under subsections (2)(b), (3)(b)(ii), (4)(b)(ii), and (5)(b), (6)(b), and (7)(b)(ii) between county and school taxing units in the relative proportions required by the levies for state, county, and school district purposes in the same manner as property taxes were distributed in the preceding fiscal year.

(f) The allocation to the county in subsection ~~(8)(e)~~ (11)(e) must be distributed by the county treasurer in the relative proportions required by the levies for county taxing units and in the same manner as property taxes were distributed in the preceding fiscal year.

(g) The money distributed in subsection ~~(8)(e)~~ (11)(e) that is required for the county mill levies for school district retirement obligations and transportation schedules must be deposited to the funds established for these purposes.

(h) The oil and natural gas production taxes distributed under subsection ~~(8)(b)~~ (11)(b) that are required for the 6-mill university levy imposed under 20-25-423 and for the county equalization levies imposed under 20-9-331 and 20-9-333, as those sections read on July 1, 1989, must be remitted by the county treasurer to the state treasurer.

(i) The oil and natural gas production taxes distributed under subsection ~~(8)(e)~~ (11)(e) that are required for the 6-mill university levy imposed under 20-25-423, for the county equalization levies imposed under 20-9-331 and 20-9-333, and for the state equalization aid levy imposed under 20-9-360 must be remitted by the county treasurer to the state treasurer.

(j) The amount of oil and natural gas production taxes remaining after the treasurer has remitted the amounts determined in subsections ~~(8)(h)~~ (11)(h) and ~~(8)(i)~~ (11)(i) is for the exclusive use and benefit of the county and school taxing units.

~~(9)(12)~~ The department shall remit the amounts to be distributed in subsection ~~(8)~~ (11) to the county treasurer by the following dates:

(a) On or before August 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending March 31 of the current year.

(b) On or before November 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending June 30 of the current year.

(c) On or before February 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending September 30 of the previous year.

(d) On or before May 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending December 31 of the previous calendar year.

~~(40)(13)~~ The department shall provide to each county by May 31 of each year the amount of gross taxable value represented by all types of production taxed under 15-36-304 for the previous calendar year multiplied by 60%. The resulting value must be treated as taxable value for county classification purposes and for county bonding purposes.

(14) (a) In the event that the board of oil and gas conservation revises the privilege and license tax pursuant

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to 82-11-131, the department shall, by rule, change the formula under this section for distribution of taxes collected under 15-36-304. The revised formula must provide for the distribution of taxes in an amount equal to the rate adopted by the board of oil and gas conservation for the expenses of the board.

(b) Before the department adopts a rule pursuant to subsection (14)(a), it shall present the proposed rule to the revenue oversight committee.

(15) The distribution to taxing units under this section is statutorily appropriated as provided in 17-7-502."

Section 11. Section 15-36-325, MCA, is amended to read:

"15-36-325. Local government severance tax payments for calendar year 1995 production -- distribution of payments -- not subject to I-105 limitations. (1) The local government severance tax imposed under 15-36-101, as that section read before January 1, 1996, for calendar year 1995 production is due as follows:

(a) for oil and natural gas production occurring in the first calendar quarter of 1995, the tax is due May 31, 1996;

(b) for oil and natural gas production occurring in the second calendar quarter of 1995, the tax is due May 31, 1997;

(c) for oil and natural gas production occurring in the third calendar quarter of 1995, the tax is due May 31, 1998; and

(d) for oil and natural gas production occurring in the fourth calendar quarter of 1995, the tax is due May 31, 1999.

(2) (a) If the taxpayer pays the entire local government severance tax liability for calendar year 1995 on or before June 30, 1996, the taxpayer must receive a 6% reduction in the total local government severance tax liability.

(b) Any payment of local government severance taxes for calendar year 1995 made on or before June 30, 1997, does not accrue interest. Any payment of local government severance taxes for calendar year 1995 made after June 30, 1997, must accrue interest at the rate of 1% a month or fraction of a month from July 1, 1997, to the date of payment. Any payment for the third quarter of 1995 received after May 31, 1998, and any payment for the fourth quarter of 1995 received after May 31, 1999, is subject to the late payment penalty provisions in 15-36-311.

(c) In the case of the dissolution of the operator or a change in the operator of any lease or unit, any unpaid local government severance tax for calendar year 1995 becomes due on the date of dissolution or on the date of the change in operator. The operator is subject to the provisions of subsection (2)(a) regarding the 6% tax liability reduction or the provisions of subsection (2)(b) regarding interest and penalties.

(3) The department shall determine the amount of tax collected under subsections (1) and (2) from within each taxing unit.

(4) For purposes of the distribution of local government severance taxes collected under this section, the department shall use the unit value of oil and gas for each taxing unit as determined in 15-36-323.

(5) The local government severance tax must be deposited in the agency state special revenue fund in the state treasury and transferred to the county for distribution as provided in subsection (6).

(6) For the purpose of the distribution of the local government severance tax for calendar year 1995 production, the department shall adjust the unit value determined under this section according to the ratio that the local government severance taxes collected during the quarters for which the distribution occurs plus penalties and interest on delinquent local government severance taxes bears to the total liability for local government severance taxes for the quarters for which the distribution occurs. The taxes must be calculated and distributed as follows:

(a) By July 31 of each of the years 1996, 1997, 1998, and 1999, the department shall calculate and distribute to each eligible county the amount of local government severance tax for calendar year 1995 production, determined by multiplying the unit value, as adjusted in this subsection (6), by the units of production on which the local government severance tax was owed during calendar year 1995 production.

(b) Any amount by which the total tax liability exceeds or is less than the total distributions determined

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in subsection (6)(a) must be calculated and distributed in the following manner:

(i) The excess amount or shortage must be divided by the total distribution determined for that period to obtain an excess or shortage percentage.

(ii) The excess percentage must be multiplied by the distribution to each taxing unit, and this amount must be added to the distribution to each respective taxing unit.

(iii) The shortage percentage must be multiplied by the distribution to each taxing unit, and this amount must be subtracted from the distribution to each respective taxing unit.

(7) (a) The county treasurer shall distribute the money received under subsection (6) between the county and school taxing units. The distribution between county and school taxing units is the ratio of the number of mills levied for fiscal year 1990 against 1988 production in each taxing unit for the county and schools, including the county equalization levies that were in effect under 20-9-331 and 20-9-333 as those sections read on July 1, 1989, and the university 6-mill levy imposed under 20-25-423, except that a distribution may not be made to a municipal taxing unit or the state equalization aid levy imposed under 20-9-360. Distribution of money for the county equalization levies and the university levy must be remitted to the state by the county treasurer. The amounts distributed under subsections (7)(b) and (7)(c) are for the exclusive use of county and school taxing units.

(b) The county treasurer shall deposit the money from subsection (7)(a) allocated to county levies to the oil and gas tax accelerated fund.

(c) The trustees of a school district may allocate any payment received under subsection (7)(a) to any budget fund of the district or to the miscellaneous programs fund established in 20-9-507. The trustees shall direct the county treasurer to deposit the local government severance tax payments under this section to the funds of the district in accordance with the allocations determined by the trustees.

(8) Local government severance tax payments to a county pursuant to this section are not subject to the limitations of Title 15, chapter 10, part 4. Payments of local government severance tax pursuant to this section may not be used for county classification purposes under 7-1-2111 and may not be considered in the determination of bonding limits under 7-7-2101, 7-7-2203, 7-14-2524, and 7-16-2327.

(9) The distribution to taxing units under this section is statutorily appropriated as provided in 17-7-502."

Section 13. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-30-195; 15-31-702; 15-36-324, 15-36-325, 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 16-11-308; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 17-6-101; 17-6-201; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-17-301; 19-18-512; 19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-8-107; 20-8-111; 20-9-361; 20-26-1503; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321; 39-71-2504; 44-12-206; 44-13-102; 50-4-623; 50-5-232; 50-40-206; 53-6-150; 53-6-703; 53-24-206; 60-2-220; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-12-123; 80-2-103; 80-2-222; 80-4-416; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215; 90-6-331; 90-7-220; 90-7-221; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant

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to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 7(2), Ch. 29, L. 1995, the inclusion of 15-30-195 terminates July 1, 2001.)"

5. Page 15, line 7.

Strike: "date"

Insert: "dates -- termination"

Following: "."

Insert: "(1)"

Strike: "This act] is"

Insert: "Sections 1 through 9, 13, and this section] are"

6. Page 15.

Following: line 7

Insert: "(2) [Sections 10, 11, and 12] are effective July 1, 1997.

(3) [Section 9] terminates June 30, 1997."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Governor's amendments not concurred in and returned to the House:

4/10/97

HB 384, introduced by Ellis

HB 195, introduced by Tash

Conference committee report #1 adopted:

4/10/97

SB 256, introduced by Hargrove

House amendments to Senate bills not concurred in:

4/10/97

SB 283, introduced by Burnett

SB 296, introduced by Jergeson

SB 339, introduced by Grosfield

House bills concurred in and returned to the House:

4/10/97

HB 391, introduced by Rose

HB 596, introduced by Wiseman

HB 612, introduced by Hibbard

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/10/97

HB 100, introduced by Soft

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HB 298, introduced by R. Johnson

HB 598, introduced by Trexler

HB 561, introduced by Kasten

House amendments to Senate bills concurred in:

4/10/97

SB 16, introduced by Halligan

SB 28, introduced by Hertel

SB 89, introduced by Beck

SB 151, introduced by Miller

SB 181, introduced by Hargrove

SB 193, introduced by Miller

SB 212, introduced by McNutt

SB 270, introduced by Benedict

SB 273, introduced by Nelson

SB 284, introduced by Halligan

SB 308, introduced by Beck

SB 310, introduced by Grosfield

SB 314, introduced by Crippen

SB 325, introduced by Crismore

SB 342, introduced by Brooke

SB 365, introduced by Benedict

SB 369, introduced by Swysgood

SB 379, introduced by Lynch

The Senate, on 4/11/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 164**.

President Aklestad appointed the following members:

Senator Hertel, Chairman

Senator Emerson

Senator McCarthy

The Senate, on 4/11/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 264**.

President Aklestad appointed the following members:

Senator Crippen, Chairman

Senator Holden

Senator Bartlett

The Senate, on 4/11/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 285**.

President Aklestad appointed the following members:

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Senator Keating, Chairman
Senator Taylor
Senator Van Valkenburg

The Senate, on 4/11/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 339**.

President Aklestad appointed the following members:

Senator Crippen, Chairman
Senator Jabs
Senator Halligan

The Senate, on 4/11/97, acceded to the request of the House and appointed a conference committee to meet with a like committee from the House to confer on **HB 135**.

President Aklestad appointed the following members:

Senator Bishop, Chairman
Senator Jabs
Senator Doherty

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 10, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 159 sponsored by Representative Barnhart on April 10, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 10, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 174 sponsored by Representative Smith on April 10, 1997.

Sincerely,

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MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 10, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 544 sponsored by Representative Grady et al. on April 10, 1997.

Sincerely,

MARC RACICOT
Governor

Sergeant-at-Arms Skelton escorted the Browning Indians Girls State Champion basketball team into the House Chambers.

Mr. Speaker welcomed the team and Representative Heavy Runner introduced the players and Coach Ray Croff to the House.

Representative Heavy Runner was presented with a gift from the team.

Sergeant-at-Arms Skelton and Representative Heavy Runner escorted the team and coaches from the House Chambers.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Vick in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 388 - Representative Simon moved Senate amendments to HB 388 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Simon, Simpson, Sliter, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

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Noes: Carey, Ellingson, Galvin, Hagener, Hurdle, R. Johnson, Kasten, Krenzler, Rehbein, Ryan, Sands, Schmidt, Soft, Taylor, Whitehead.

Total 15

Voted Absentee: Kottel, Aye; Sands, No.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Molnar, Smith.

Total 2

SB 124 - Representative Denny moved Governor's amendments to SB 124 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Jore, Prouse.

Total 3

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Devaney, Keenan, Ohs.

Total 3

SB 394 - Representative Ream moved SB 394 be concurred in.

Representative Molnar moved SB 394, second reading copy, be amended (amendment #1). Motion failed as follows: (38-59)

Motion to concur in SB 394 carried as follows:

Ayes: Anderson, Barnhart, Beaudry, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Ellis, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, R. Johnson, Jore, Kasten, Knox, Kottel, Krenzler, Lawson, Marshall, McCulloch, Menahan, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 54

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Dowell, Ewer, Feland, Galvin, Grinde, Holland, Hurdle, J. Johnson, Keenan, Kitzenberg, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Pease, Peck, Prouse, Raney, Simpson, Sliter, Smith, Soft, Stovall, Wagner, Wells, Whitehead.

Total 43

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 430 - Representative Simon moved Senate amendments to HB 430 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Arnott, Boharski, Jore, Keenan, McCann, Peck, Prouse, Smith, Vick, Wagner, Walters, Whitehead.
Total 13

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 431 - Representative Quilici moved Senate amendments to HB 431 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 97

Noes: None.

Total 0

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 444 - Representative Wells moved Senate amendments to HB 444 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Simpson.

Total 1

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Bookout, Masolo, Molnar.

Total 3

HB 447 - Representative Stovall moved Senate amendments to HB 447 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

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Noes: J. Johnson.
Total 1

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: None.
Total 0

HB 468 - Representative Gillan moved Senate amendments to HB 468 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 92

Noes: Boharski, M. Hanson, Jore, Taylor, Vick.
Total 5

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: None.
Total 0

HB 479 - Representative Tuss moved Senate amendments to HB 479 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Boharski, Hayne, Jore, Keenan, Prouse.
Total 5

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Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: Grady.
Total 1

HB 491 - Representative Rehbein moved Senate amendments to HB 491 be concurred in. Motion carried as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Raney, Ream, Rehbein, Rose, Sands, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 69

Noes: Ahner, Barnhart, Boharski, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Hagener, Heavy Runner, Hurdle, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Pease, Peck, Prouse, Quilici, Ryan, Schmidt, Tropila, Tuss, Whitehead, Wyatt.
Total 27

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: Taylor.
Total 1

HB 502 - Representative Soft moved Senate amendments to HB 502 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Adams, Jore, Prouse.
Total 3

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Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Cobb.

Total 1

HB 521 - Representative Ryan moved Senate amendments to HB 521 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: None.

Total 0

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Cobb, Grinde, Simon.

Total 3

HB 149 - Representative R. Johnson moved Senate amendments to HB 149 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Harper, Prouse.

Total 2

Voted Absentee: Sands, Aye.

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Excused: Grimes, Kottel, Orr, Simpkins.
Total 4

Absent or not voting: None.
Total 0

HB 284 - Representative Ohs moved Senate amendments to HB 284 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Story.
Total 1

Voted Absentee: Sands, Aye.

Excused: Grimes, Kottel, Orr, Simpkins.
Total 4

Absent or not voting: None.
Total 0

HB 369 - Representative Brainard moved Senate amendments to HB 369 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Peck, Prouse, Raney, Rehbein, Rose, Sands, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 77

Noes: Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Hagener, Harper, Heavy Runner, Krenzler, Pavlovich, Pease, Quilici, Ream, Ryan, Schmidt, Swanson, Whitehead, Wyatt.
Total 19

Voted Absentee: Sands, Aye.

Excused: Grimes, Kottel, Orr, Simpkins.

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Total 4

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Vick moved that the Committee of the Whole report be adopted. Report adopted. (90-2)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 534 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Ohs, Pavlovich, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Simon, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 74

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, McCulloch, Pease, Peck, Ream, Sands, Schmidt, Squires, Tuss, Whitehead, Wyatt.
Total 22

Voted Absentee: Kottel, Aye; Sands, No.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Mood.

Total 1

HB 20 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

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Noes: DeBruycker, Grinde, Rehbein, Wagner.
Total 4

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: None.
Total 0

HB 31 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wyatt, Zook, Mr. Speaker.
Total 74

Noes: Adams, Arnott, Bankhead, Barnett, Beaudry, Bergsagel, Bitney, Boharski, DeBruycker, Feland, R. Johnson, Jore, Kasten, Keenan, Knox, Prouse, Rehbein, Vick, Wagner, Walters, Wells, Whitehead.
Total 22

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: Wiseman.
Total 1

HB 53 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.
Total 78

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Bergman, Brainard, DeBruycker, Ellis, Jore, Keenan, McCann, Molnar, Prouse, Rehbein, Vick, Wagner, Zook.
Total 18

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Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Boharski.

Total 1

HB 58 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Arnott, Brainard, Curtiss, Rehbein, Walters.

Total 6

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Knox.

Total 1

HB 65 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergman, Curtiss, Hurdle, Keenan, Molnar, Taylor.

Total 6

Voted Absentee: Kottel, Sands, Ayes.

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Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 68 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Ohs, Peck, Raney, Rehbein, Rose, Ryan, Simon, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Heavy Runner, Hurdle, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Prouse, Quilici, Ream, Sands, Schmidt, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 29

Voted Absentee: Kottel, Sands, Noes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Mood.

Total 1

HB 72 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: None.

Total 0

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

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Absent or not voting: Ellingson, Pavlovich, Tuss.
Total 3

HB 74 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 70

Noes: Adams, Anderson, Arnott, Bergsagel, Boharski, Brainard, DeBruycker, Feland, Holland, R. Johnson, Jore, Kasten, Keenan, McCann, McGee, Molnar, Peck, Prouse, Rehbein, Smith, Story, Taylor, Trexler, Vick, Wagner, Walters, Wells.
Total 27

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: None.
Total 0

HB 75 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Arnott, Jore.
Total 2

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: Hagener.
Total 1

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HB 76 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Adams, Arnott, Feland, Grinde, Jore, Mills, Rehbein, Tuss, Vick.

Total 9

Voted Absentee: Sands, Aye.

Excused: Grimes, Kottel, Orr, Simpkins.

Total 4

Absent or not voting: None.

Total 0

HB 77 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Prouse, Quilici, Rehbein, Rose, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Bergman, Carey, Cocchiarella, Curtiss, Ellingson, Ewer, Harper, Harrington, Hurdle, Kottel, Menahan, Pease, Peck, Raney, Ream, Ryan, Sands, Squires, Story, Swanson, Tuss, Whitehead.

Total 22

Voted Absentee: Kottel, Sands, Noes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Bergsagel.

Total 1

HB 89 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard,

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Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Adams, Arnott, Bankhead, Boharski, DeBruycker, Devaney, Feland, Holland, Jore, Kasten, Keenan, Peck, Prouse, Smith, Vick, Wagner, Walters, Wells.

Total 18

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 93 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Adams, Arnott, Boharski, Denny, Jore, Keenan, Prouse, Rehbein, Vick, Walters.

Total 10

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 104 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler,

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Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Curtiss, Devaney, Feland, Jore, Kasten, Prouse, Vick.

Total 7

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Keenan, Ryan.

Total 2

HB 118 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Keenan.

Total 1

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 120 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands,

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Total 97

Noes: None.

Total 0

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 121 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Adams, Arnott, Bergsagel, Brainard, Denny, Feland, Grinde, Jore, Keenan, McCann, Molnar, Peck, Prouse, Wagner, Walters.

Total 15

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Harrington.

Total 1

HB 125 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 91

Noes: Curtiss, Hagener, Heavy Runner, Hurdle.

Total 4

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Bookout, Devaney.

Total 2

HB 134 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Arnott, Jore, Keenan, Prouse, Wagner, Walters, Wells.

Total 8

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 137 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellis, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Adams, Arnott, Barnhart, Bergsagel, Boharski, Brainard, Carey, Curtiss, Dowell, Ellingson, Ewer, Feland, Gillan, Harper, Heavy Runner, Hurdle, Jore, Molnar, Pease, Peck, Prouse, Ryan, Squires, Tuss, Vick, Wells,

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Whitehead, Wyatt.

Total 28

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Knox.

Total 1

HB 140 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Jore.

Total 2

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Bitney.

Total 1

HB 146 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Adams, Jore, Molnar, Prouse, Wells.

Total 5

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Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 151 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Arnott, Bergsagel, Curtiss, Jore, Keenan, Wagner.

Total 7

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Simon.

Total 1

HB 168 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Arnott, Boharski, Jore, Keenan, McGee, Vick.

Total 6

Voted Absentee: Kottel, Sands, Ayes.

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Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 172 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Arnott, Barnhart, Brainard, Curtiss, Ellingson, Hagener, Keenan, McCulloch, Pease, Peck, Sands, Wagner, Walters, Whitehead.

Total 14

Voted Absentee: Kottel, Aye; Sands, No.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 173 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Adams, Anderson, Arnott, Bankhead, Bitney, Boharski, Brainard, Curtiss, DeBruycker, Jore, Kasten, Keenan, Peck, Prouse, Rehbein, Sliter, Story, Vick, Wagner, Walters, Wells.

Total 21

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

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Absent or not voting: Grinde, McGee.

Total 2

HB 180 - as amended by the Senate, concurred in as follows:

Ayes: Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Devaney, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Mills, Mood, Ohs, Pavlovich, Peck, Raney, Rose, Sands, Simon, Simpson, Sliter, Soft, Stovall, Tash, Taylor, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 62

Noes: Adams, Ahner, Boharski, Brainard, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ewer, Hayne, Heavy Runner, Jore, Kasten, Keenan, Kottel, McGee, Menahan, Molnar, Pease, Prouse, Quilici, Ream, Rehbein, Ryan, Schmidt, Smith, Squires, Story, Swanson, Trexler, Vick, Wagner, Wells.

Total 35

Voted Absentee: Sands, Aye; Kottel, No.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 183 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Arnott, Boharski, Grinde, Jore, Keenan, Rehbein, Story, Vick.

Total 8

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

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HB 184 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Boharski, Devaney.

Total 2

HB 185 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Grady.

Total 1

HB 189 - as amended by the Senate, concurred in as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Hagener, Menahan.

Total 2

HB 190 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Arnott, Brainard, DeBruycker, Jore, McGee, Rehbein, Wagner.

Total 8

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 193 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney,

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Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Hagener, Hurdle, Kottel.

Total 3

Voted Absentee: Sands, Aye; Kottel, No.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Grinde.

Total 1

HB 199 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 202 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann,

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McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 83

Noes: Adams, Anderson, Arnott, Bergsagel, Boharski, Denny, Jore, Kasten, Keenan, McGee, Rehbein, Vick, Wagner, Walters.
Total 14

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: None.
Total 0

HB 203 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Adams, Arnott, Boharski, Brainard, Curtiss, DeBruycker, Grinde, Jore, Keenan, McGee, Molnar, Prouse, Vick, Wagner, Walters, Wells.
Total 16

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: None.
Total 0

HB 207 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor,

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Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Adams, Anderson, Bankhead, Devaney, Jore, Kasten, Keenan, Rehbein.
Total 8

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: Boharski, H.S. Hanson.
Total 2

HB 238 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Boharski, Lawson.
Total 2

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: None.
Total 0

HB 251 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

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Noes: Hurdle.
Total 1

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: None.
Total 0

HB 263 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 79

Noes: Adams, Anderson, Arnott, Brainard, DeBruycker, Denny, Feland, Grinde, Jore, Keenan, McGee, Peck, Prouse, Story, Vick, Wagner, Walters, Wells.
Total 18

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: None.
Total 0

HB 266 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 70

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Denny, Devaney, Feland, Grinde, Holland, Jore, Kasten, Keenan, Masolo, McGee, Prouse, Rehbein, Sliter, Vick, Wagner, Walters, Wells.
Total 27

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Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 271 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Adams, Anderson, Arnott, Bankhead, Bergman, Brainard, Clark, Devaney, Holland, Jore, Keenan, Ohs, Prouse, Rehbein, Story, Vick, Wagner, Wells.

Total 18

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 276 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, Devaney, Jore, Keenan.

Total 4

Voted Absentee: Kottel, Sands, Ayes.

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Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Beaudry.

Total 1

HB 287 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Hagener, Hurdle.

Total 2

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: McCulloch.

Total 1

HB 302 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 72

Noes: Adams, Bankhead, Bitney, Boharski, Brainard, DeBruycker, Denny, Grinde, Holland, Jore, Kasten, Keenan, Lawson, McGee, Molnar, Ohs, Prouse, Rehbein, Sliter, Story, Taylor, Trexler, Vick, Wagner, Wells.

Total 25

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

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Absent or not voting: None.
Total 0

HB 308 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Adams, Arnott, Bergsagel, Brainard, Kasten, McCann, Prouse, Taylor, Wagner, Walters.
Total 10

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: None.
Total 0

HB 320 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: None.
Total 0

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: Menahan.
Total 1

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HB 323 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 73

Noes: Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Harper, Hibbard, Hurdle, Kottel, Pease, Ream, Ryan, Sands, Squires, Swanson, Tuss, Whitehead.
Total 23

Voted Absentee: Kottel, Sands, Noes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: Gillan.
Total 1

HB 331 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Sands, Schmidt, Simon, Simpson, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 80

Noes: Arnott, Bankhead, Bergman, Cobb, DeBruycker, Hagener, Jore, Kasten, Keenan, Masolo, Pavlovich, Rehbein, Ryan, Sliter, Wagner, Wyatt.
Total 16

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: Squires.
Total 1

HB 333 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cobb,

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Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 69

Noes: Adams, Arnott, Bankhead, Bergman, Bitney, Boharski, Brainard, Curtiss, DeBruycker, Devaney, Feland, Grinde, Hayne, Jore, Kasten, Keenan, Knox, Molnar, Prouse, Rehbein, Sliter, Story, Vick, Wagner, Walters, Wells.

Total 26

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Grady, Smith.

Total 2

HB 337 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 343 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J.

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Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Adams, Arnott, Bankhead, Barnett, Boharski, Brainard, DeBruycker, Jore, Kasten, Keenan, McGee, Prouse, Rehbein, Smith, Story, Trexler, Vick, Wagner, Wells.

Total 19

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Molnar.

Total 1

HB 344 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Gillan.

Total 1

HB 345 - as amended by the Senate, not concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Clark, Cobb, DeBruycker, Ellis, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mood, Ohs, Rehbein, Rose, Simon, Simpkins, Sliter, Soft, Stovall, Tash, Taylor, Walters, Wiseman, Zook, Mr. Speaker.

Total 45

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Noes: Arnott, Barnhart, Bergsagel, Brainard, Carey, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Keenan, Kottel, Krenzler, McCann, McCulloch, Menahan, Mills, Molnar, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Smith, Squires, Story, Swanson, Trexler, Tropila, Vick, Wagner, Wells, Whitehead, Wyatt.

Total 53

Voted Absentee: Grimes, Simpkins, Ayes; Kottel, Sands, Noes.

Excused: Orr.

Total 1

Absent or not voting: Tuss.

Total 1

HB 352 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Simon, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 76

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Hagener, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Pease, Ream, Sands, Schmidt, Squires, Swanson, Taylor, Tuss, Whitehead, Wyatt.

Total 21

Voted Absentee: Kottel, Sands, Noes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 519 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

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Noes: Boharski, Jore, Prouse.
Total 3

Voted Absentee: Sands, Aye.

Excused: Grimes, Kottel, Orr, Simpkins.
Total 4

Absent or not voting: None.
Total 0

HJR 33 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 84

Noes: Adams, Arnott, Bergsagel, Heavy Runner, Jore, Keenan, Molnar, Pease, Prouse, Schmidt, Smith, Wyatt.
Total 12

Voted Absentee: Sands, Aye.

Excused: Grimes, Kottel, Orr, Simpkins.
Total 4

Absent or not voting: None.
Total 0

SJR 15 concurred in as follows:

Ayes: Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 85

Noes: Adams, Anderson, Boharski, DeBruycker, Jore, Prouse, Rehbein, Story, Vick, Wells.
Total 10

Voted Absentee: Sands, Aye.

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Excused: Grimes, Kottel, Orr, Simpkins.
Total 4

Absent or not voting: Keenan.
Total 1

HB 360 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: None.
Total 0

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: J. Johnson.
Total 1

HB 361 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Arnott, Barnett, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 69

Noes: Anderson, Bankhead, Beaudry, Bergman, Bergsagel, Curtiss, DeBruycker, Devaney, Feland, Grinde, Holland, Jore, Kasten, Knox, Lawson, McCann, McGee, Mood, Ohs, Prouse, Rehbein, Sliter, Taylor, Vick, Wagner, Wells.
Total 26

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

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Absent or not voting: Barnhart, Wyatt.

Total 2

HB 371 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Jore, Prouse, Whitehead.

Total 3

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Ellis, Grinde.

Total 2

HB 376 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Arnott, Jore, Kasten, Taylor, Vick.

Total 5

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Boharski.

Total 1

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HB 394 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Carey, Cocchiarella, Ewer, Galvin, Gillan, Hagener, J. Johnson, Krenzler, McCulloch, Pease, Ream, Sands, Schmidt, Swanson, Tuss, Whitehead, Wyatt.

Total 17

Voted Absentee: Kottel, Aye; Sands, No.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 395 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellis, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Prouse, Quilici, Rehbein, Rose, Ryan, Simon, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Barnhart, Carey, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, Keenan, Krenzler, Lawson, McCulloch, Menahan, Pease, Peck, Raney, Ream, Sands, Schmidt, Simpson, Squires, Swanson, Tuss, Whitehead, Wyatt.

Total 30

Voted Absentee: Sands, No.

Excused: Grimes, Kottel, Orr, Simpkins.

Total 4

Absent or not voting: None.

Total 0

HB 399 - as amended by the Senate, concurred in as follows:

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Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Mills, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 74

Noes: Adams, Arnott, Boharski, Brainard, DeBruycker, Denny, R. Johnson, Jore, Kasten, Keenan, Knox, McGee, Menahan, Molnar, Peck, Rehbein, Smith, Soft, Story, Vick, Wagner, Walters, Wells.
Total 23

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: None.
Total 0

HB 401 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Arnott, Bergsagel, Boharski, Keenan.
Total 4

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.
Total 3

Absent or not voting: None.
Total 0

HB 406 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Curtiss, DeBruycker, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox,

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Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Peck, Prouse, Quilici, Rehbein, Rose, Simon, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Barnhart, Brainard, Carey, Cobb, Cocchiarella, Ellingson, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kitzenberg, Kottel, Krenzler, McCulloch, Pease, Raney, Ream, Ryan, Sands, Schmidt, Squires, Swanson, Whitehead.

Total 25

Voted Absentee: Kottel, Sands, Noes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Denny.

Total 1

HB 407 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Adams, Arnott, Boharski, Brainard, DeBruycker, Jore, Keenan, Prouse, Rehbein, Vick.

Total 10

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: Anderson, Peck.

Total 2

HB 422 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson,

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Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Arnott, Brainard, Jore.

Total 3

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

HB 426 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, Jore, Rehbein, Vick, Wagner.

Total 5

Voted Absentee: Kottel, Sands, Ayes.

Excused: Grimes, Orr, Simpkins.

Total 3

Absent or not voting: None.

Total 0

MOTIONS

HB 406 - Representative Squires moved she be allowed to change her vote on HB 406, third reading, from abstain to nay. Motion carried.

HB 180 - Representative Squires moved she be allowed to change her vote on HB 180, third reading, from aye to nay. Motion carried.

HB 360 - Representative Heavy Runner moved he be allowed to change his vote on HB 360, third reading, from abstain to aye. Motion carried.

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HB 331 - Representative Galvin moved he be allowed to change his vote on HB 331, third reading, from abstain to aye. Motion carried.

HB 180 - Representative Gillan moved she be allowed to change her vote on HB 180, third reading, from nay to aye. Motion carried.

HB 271 - Representative Ahner moved she be allowed to change her vote on HB 271, third reading, from abstain to aye. Motion carried.

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 296**. Motion carried.

Mr. Speaker appointed the following members:

Representative Kasten, Chairman
Representative Mood
Representative Hagener

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 339**. Motion carried.

Mr. Speaker appointed the following members:

Representative Stovall, Chairman
Representative Trexler
Representative Swanson

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 388**. Motion carried.

Mr. Speaker appointed the following members:

Representative H. Hanson, Chairman
Representative Simon
Representative Wyatt

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 381**. Motion carried.

Mr. Speaker appointed the following members:

Representative Grimes, Chairman
Representative Boharski
Representative Krenzler

HB 78 - Representative Grinde moved the House dissolve the conference committee on HB 78 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 78. Motion carried.

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Mr. Speaker appointed the following members:

Representative Simpkins, Chairman
Representative Tropila
Representative Wells

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 131
Report No. 1, April 11, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee on House Bill 131, met and considered and recommend that HB 131 be amended as follows:

1. Title, line 13.
Strike: "33-18-210,"

2. Title, line 15.
Strike: the second "AND"
Title, line 17.
Following: "MCA"
Insert: "; AND PROVIDING EFFECTIVE DATES"

3. Page 2, line 12.
Strike: "provide notice"
Insert: "report the alleged fraud to the insurer"

4. Page 2, lines 13 and 14.
Strike: "to" on line 13 through "commissioner" on line 14

5. Page 2, line 14.
Following: ". "
Insert: "The insurer shall review the report. If the insurer determines that there is reasonable likelihood that fraud has occurred, the insurer shall forward the report to the commissioner within 30 days of receipt of the report."

6. Page 7, lines 9 and 10.
Strike: "given" on line 9 through "dividends" on line 10

7. Page 25, line 4, through page 27, line 16.
Strike: section 28 in its entirety
Renumber: subsequent sections

8. Page 48, following line 21.
Insert: "NEW SECTION. Section 47. Effective dates. (1) Except as provided in subsection (2), [this act] is

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effective October 1, 1997.

(2) [Section 9] and this section are effective on passage and approval."

And this Free Conference Committee report be adopted.

For the House:

Barnett, Chairman
Trexler
Squires

For the Senate:

Benedict, Chairman
Crismore
McCarthy

Free Conference Committee
on Senate Bill 61
Report No. 1, April 11, 1997

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 61, met and considered SB 61 in its entirety.

We recommend that SB 61 be indefinitely postponed.

And that this Free Conference Committee report be adopted.

For the Senate:

Keating, Chairman
Stang
Baer

For the House:

Barnett, Chairman
Keenan
Krenzler

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, April 12, 1997. Motion carried.

House adjourned at 3:11 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
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Helena, Montana
April 12, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Smith. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Cobb, Grimes, Kottel, Marshall, Masolo, Orr, Sands, Simpkins, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventy-third and seventy-fourth legislative days, find the same to be correct.

Hayne, Chairman

Mr. Speaker introduced today's honorary pages:

Desiree Dean, Helena
Garret Hartley, East Helena
Scott Johnson, Clancy
Ben Thompson
Krystle Egolf, Kalispell
Max Weber
Michael Lyons
Ellie Weber
Bryson Stoner, Kalispell
Derek Stoner, Kalispell
Max Miller, Laurel
Amanda DeBruycker, Luma
Raymond DeBruycker, Luma

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/11/97
Correctly printed for second reading: SB 386.
Correctly engrossed for third reading: SB 394.
Correctly enrolled: HB 391, HB 596, HB 612.
Examined by the sponsor and found to be correct: HJR 29, HB 44, HB 234, HB 391, HB 596, HB 612.
Signed by the Speaker at 6:07 p.m., April 11, 1997: HB 3, HB 111, HB 28, HB 538, HJR 30, HJR 26, HJR 14.

APPROPRIATIONS (Zook, Chairman): 4/11/97
HJR 32, introduced bill, do pass. Report adopted.

SB 390, be amended as follows:

1. Title, line 14.
Following: "PROPERTY;"
Insert: "APPROPRIATING FUNDS FOR THE ACTIVITIES OF THE TRANSITION ADVISORY COMMITTEE
ON ELECTRIC UTILITY INDUSTRY RESTRUCTURING; IMPOSING A FEE ON ELECTRIC

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UTILITY COMPANIES TO SUPPORT THE ACTIVITIES OF THE TRANSITION ADVISORY
COMMITTEE;"

2. Page 2, lines 3 and 4.

Following: "The" on line 3

Insert: "interests of Montana consumers should be protected and the"

Strike: "WHILE" on line 3 through "CONSUMERS" on line 4

3. Page 2, line 12.

Following: "resource"

Insert: "projects and"

4. Page 2, line 15.

Strike: "bill"

5. Page 2.

Following: line 17

Insert: "(5) A utility in the state of Montana may not be advantaged or disadvantaged in the competitive electricity supply market, including the consideration of the existence of universal system benefits programs and the comparable level of funding for those programs throughout the regions neighboring Montana."

6. Page 3, line 3.

Following: "18;"

Insert: "or"

7. Page 3, line 4.

Strike: "; or"

Insert: "."

8. Page 3, lines 5 and 6.

Strike: subsection (c) in its entirety

9. Page 6, line 8.

Following: "resource"

Insert: "projects and"

10. Page 6, line 13.

Strike: "bill"

11. Page 11, line 17.

Strike: "and"

Insert: "or"

12. Page 13, line 19.

Following: "APPROVAL."

Insert: "an"

Strike: "EVENTS"

Insert: "event"

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13. Page 17, line 12.

Strike: "and"

14. Page 17, line 14.

Following: "requirements"

Insert: ", including any coverage amounts required by any mortgage, indenture, or other financing document;
(f) costs of refinancing and retiring debt of the cooperative utility and associated federal and state tax liabilities or other utility costs for which the use of transition bonds would benefit customers; and
(g) all costs, expenses, and reasonable fees related to transition bonds"

15. Page 18, line 17.

Following: the second "of"

Insert: "and new expenditures for"

16. Page 18, line 18.

Following: "resource"

Insert: "projects and"

Strike: "bill"

17. Page 18, line 30.

Strike: "BILL"

18. Page 19, line 10.

Strike: "bill"

19. Page 19, line 14.

Following: "utility's"

Insert: "minimum"

Strike: "bill"

20. Page 19, line 18.

Strike: "bill"

21. Page 19, line 20.

Strike: "BILL"

22. Page 20, lines 12 through 14.

Strike: subsection (8) in its entirety.

Renumber: subsequent subsection

23. Page 21, line 8.

Strike: "(11)"

Insert: "11"

24. Page 22, line 10.

Strike: "business"

25. Page 22, line 11.

Strike: "business"

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Following: "affiliates,"
Insert: "if any,"

26. Page 24, line 25.
Strike: "18"
Insert: "eight voting"

27. Page 24, line 27.
Strike: "two"
Insert: "four"
Following: "representatives"
Insert: ", not more than two of whom may be from one political party"

28. Page 24, line 28.
Strike: "two"
Insert: "four"
Following: "senate"
Insert: ", not more than two of whom may be from one political party"

29. Page 24.
Following: line 28
Insert: "(2) The following entities shall appoint nonvoting advisory representatives to the transition advisory committee:"
Renumber: subsequent subsections

30. Page 24, line 29.
Strike: "(c)"
Insert: "(a)"

31. Page 25, line 1.
Strike: "(d)"
Insert: "(b)"
Strike: "COUNSEL"

32. Page 25, line 2.
Strike: "(e) Two representatives"
Insert: "(c) One representative"
Strike: "are"
Insert: "is"

33. Page 25, line 4.
Strike: "(f)" through the first "the"
Insert: "(d) The"
Following: "Montana"
Strike: "are appointed"
Insert: "shall appoint one member"

34. Page 25, line 5.
Strike: "(g)" through "the"

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Insert: " (e) The"
Following: "commission"
Strike: "is appointed"
Insert: "shall appoint one member"

35. Page 25, line 6
Strike: "(h)"
Insert: "(f)"
Following: "following"
Insert: "nonvoting"

36. Page 25, line 23.
Strike: "The" through "officer."
Insert: "The voting members shall select a transition advisory committee presiding officer."

37. Page 25, line 28.
Following: "senate"
Insert: ", "
Following: "commission"
Insert: "and shall provide quarterly interim summary reports to the members of the legislature through January 1, 1999"

38. Page 25, line 29.
Following: "meet"
Insert: "at least"

39. Page 26, line 21.
Strike: "bill"

40. Page 28, line 11.
Following: "to"
Insert: "nonbypassable rates and charges associated with"

41. Page 28, line 29.
Following: "The"
Insert: "total"
Strike: "revenue arising with respect to"

42. Page 29, line 3.
Strike: "obligations"
Insert: "bonds"

43. Page 29, line 4.
Strike: the first "obligations"
Insert: "bonds"
Strike: the second "obligations"
Insert: "bonds,"

44. Page 29, line 6.

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Strike: "OBLIGATIONS"

Insert: "bonds"

45. Page 33, line 21.

Strike: the second "or"

Insert: "of"

46. Page 33, line 22.

Following: "that"

Insert: "the"

47. Page 34, line 2.

Strike: the first "commission"

Insert: "secretary of state"

Strike: the second "commission"

Insert: "secretary of state"

48. Page 35.

Following: line 16

Insert: "(26) The commission may, by order or rule and subject to terms and conditions that it may prescribe, exempt any security or class of securities for which an application is required under this title or any public utility or class of public utility from the provisions of this title if it finds that the application of this title to the security, class of security, public utility, or class of public utility is not required by the public interest."

49. Page 36, line 14

Following: " - "

Insert: "For purposes of this subsection (1)(a), "property used for the sole purpose" does not include a headquarters, office, shop, or other similar facility."

50. Page 42.

Following: line 29

Insert: "NEW SECTION. Section 45. Funding for transition advisory committee. (1) There is an account in the state special revenue fund to which all fees collected under [section 46] and this section must be deposited and from which all appropriations to the legislative services division for the activities of the transition advisory committee must be paid. An appropriation to the legislative services division for the activities of the transition advisory committee may consist of a base appropriation for regular operating expenses. (2) In addition to all other licenses, fees, and taxes imposed by law, all electric utility companies shall: (a) within 30 days after the close of each calendar quarter, file with the department of public service regulation and the department of revenue a statement, in a form that the commission and department of revenue may determine, showing the gross operating revenue from all activities by the commission within the state for that calendar quarter of operation or portion of a quarter, separately stating gross revenue from sales to other companies for resale; and (b) at that time pay to the department of revenue a fee based on a percentage of the gross operating revenue reported, as determined by the department of revenue under [section 46]. (3) Unless the department of revenue requires otherwise, a statement filed pursuant to 69-1-223(2)(a) meets the requirements of subsection (2) of this section. (4) The amount of money that may be raised by the fee on the electric utility companies during a fiscal year may not be increased, except as provided in [section 46], from the amount appropriated, including

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both base and contingency appropriations, by the legislature for that fiscal year. Any additional money required for operation of the transition advisory committee must be obtained from other sources in a manner authorized by the legislature.

(5) As used in [section 46] and this section, "electric utility company" has the same meaning as "electric facilities provider" as defined in 69-5-102.

NEW SECTION. Section 46. Determination of fee for activities of transition advisory committee -- failure to pay -- penalty -- statute of limitations. (1) On or before June 30 in each year, the department of revenue shall:

(a) determine the total gross operating revenue generated by all activities within this state for all electric utility companies for the previous fiscal year;

(b) compute the percentage, subject to revision as provided in subsection (2), of the amount determined in subsection (1)(a) that will produce an amount equal to the appropriation to the legislative services division, except that an electric utility company owned and operated by any municipal corporation within this state may not be required to pay a sum in excess of 0.06 of 1% of its gross operating revenue;

(c) adjust the percentage multiplier computed in subsection (1)(b) to ensure that sufficient funds are generated to meet the appropriation and that excess funds are not generated or retained; and

(d) give notice by mail to each electric utility company of the percentage to be applied to the gross operating revenue to determine the amount of the fee to be paid.

(2) (a) The department of revenue shall adjust the percentage multiplier if the department considers a change necessary to meet or to not exceed the amount to be raised by the fee because of:

(i) fluctuations in the actual gross operating revenue subject to the fee; or

(ii) submission and approval of a budget amendment authorizing the spending of money from a contingency appropriation included in the appropriation for the legislative services division in support of the activities of the transition advisory committee and authorized to be raised by means of the fee.

(b) Adjustments of the percentage multiplier are subject to the exception provided in subsection (1)(b) for municipally owned and operated electric utility companies.

(c) Electric utility companies must be given at least 30 days' notice of any change in the percentage multiplier.

(d) Any change in the percentage multiplier is effective at the beginning of the next calendar quarter.

(3) In the event that the fee charged in 1 year is in excess of the amount actually expended in that year, the excess must be deducted from the amount required to be raised by the fee for the next year before the determination required by subsection (1) is made. Money remaining unspent at the close of the fiscal year must be used to reduce the percentage calculated under this section in the subsequent fiscal year.

(4) All fees paid by an electric utility company pursuant to this section are immediately recoverable by the electric utility company in its rates and charges. Within 30 days after the issuance by the department of revenue of the notice required by subsection (1), the commission shall by separate order authorize each electric utility company to fully recover in its rates and charges, on an annual basis, the fees levied by this section.

(5) (a) If an electric utility company fails, neglects, or refuses to file a statement or to pay the fee required by [section 45] or this section, the department of revenue shall collect the fee in the same manner as the fee for the office of the legislative consumer counsel is collected in 69-1-225 through 69-1-230.

(b) The penalty for failure to pay the fee imposed under [section 45] and this section is the same as the penalty under 69-1-226.

(c) An overpayment of the fee must be processed in the same manner as an overpayment is processed under 69-1-228.

(d) The statute of limitations for a deficiency assessment is the same as provided in 69-1-230."

NEW SECTION. Section 47. Appropriation. There is appropriated from the fees collected under [sections

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45 and 46] to the legislative services division \$76,000 for the activities of the transition advisory committee on electric utility industry restructuring. This is a biennial appropriation.
Renumber: subsequent sections

51. Page 43, lines 12 and 13.
Following: "31"
Insert: ", 45, and 46"

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill 99
Report No. 1, April 11, 1997

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 99, met and considered the amendments on the Select Committee on Corrections report dated March 11, 1997.

We recommend that Senate Bill 99 be amended as follows:

1. Page 2, line 28.
Strike: "41-5-206"

2. Page 2, line 29.
Strike: "or"
Following: "41-5-208"
Insert: "or an information is filed concerning the offense in district court pursuant to 41-5-206"

3. Page 3, lines 6 and 7.
Strike: "FOR" on line 6 through "IMPOSED" on line 7
Insert: "until the offender becomes 25 years of age"

4. Page 8, line 10.
Strike: "transferable"
Insert: "listed"

5. Page 11.
Following: line 27
Insert: "NEW SECTION. Section 13. Coordination instruction. If Senate Bill No. 48 and this bill are both passed and approved, then the reference to "41-5-206(8) and (9)" in 41-5-1105 in this bill must read "41-5-206(6) and (7)".
Renumber: subsequent sections

And that this Free Conference Committee report be adopted.

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For the Senate:

Thomas, Chairman
Halligan
McNutt

For the House:

Soft, Chairman
McGee
Wyatt

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 4/11/97

HB 47, introduced by Ellis
HB 171, introduced by Raney
HB 594, introduced by DeBruycker

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/11/97

HB 163, introduced by J. Johnson
HB 188, introduced by Denny

House joint resolution concurred in and returned to the House:

HJR 24, introduced by Soft 4/11/97

Governor's amendments concurred in and returned to the House:

HB 66, introduced by Cocchiarella 4/11/97

House amendments to Senate bills concurred in: 4/11/97

SB 83, introduced by Sprague
SB 290, introduced by Keating
SB 304, introduced by Cole

The Senate, on 4/11/97, acceded to the request of the House and appointed a conference committee to meet with a like committee from the House to confer on **HB 346**.

President Aklestad appointed the following members:

Senator Holden, Chairman
Senator Estrada
Senator Doherty

The Senate, on 4/11/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 517**.

President Aklestad appointed the following members:

Senator Foster, Chairman

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Senator Thomas
Senator Bowman Shea

The Senate, on 4/11/97, rejected House amendments to **SB 296**, appointed a conference committee, and requested the House to appoint a like committee to confer on SB 296.

President Aklestad appointed the following members:

Senator Hargrove, Chairman
Senator Toews
Senator Jergeson

The Senate, on 4/10/97, rejected House amendments to **SB 339**, appointed a conference committee, and requested the House to appoint a like committee to confer on SB 339.

President Aklestad appointed the following members:

Senator Beck, Chairman
Senator Grosfield
Senator Eck

The Senate, on 4/11/97, dissolved the conference committee on **HB 78** and appointed a free conference committee to meet with a like committee from the House to confer on HB 78.

President Aklestad appointed the following members:

Senator Hertel, Chairman
Senator Grosfield
Senator Wilson

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tuss in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 6 - Representative Bergsagel moved Senate amendments to HB 6 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner,

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Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Raney.
Total 1

Voted Absentee: Marshall, Masolo, Ayes.

Excused: Cobb, Grimes, Kottel, Orr, Simpkins.
Total 5

Absent or not voting: Barnett, Tuss, Wiseman.
Total 3

HB 83 - Representative Bergsagel moved Senate amendments to HB 83 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: None.
Total 0

Voted Absentee: Marshall, Masolo, Sands, Ayes.

Excused: Cobb, Grimes, Kottel, Orr, Simpkins.
Total 5

Absent or not voting: Tuss.
Total 1

HB 129 - Representative Soft moved Senate amendments to HB 129 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 88

Noes: Adams, Arnott, Prouse, Smith, Wagner.

Total 5

Voted Absentee: Marshall, Masolo, Sands, Ayes.

Excused: Cobb, Grimes, Kottel, Orr, Simpkins.

Total 5

Absent or not voting: Bergsagel, Bitney.

Total 2

HB 547 - Representative Rehbein moved Senate amendments to HB 547 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Gillan, Heavy Runner, Jore.

Total 3

Voted Absentee: Marshall, Masolo, Sands, Ayes.

Excused: Cobb, Grimes, Kottel, Orr, Simpkins.

Total 5

Absent or not voting: Hayne.

Total 1

HB 102 - Representative Beaudry moved Senate amendments to HB 102 be concurred in.

Representative Beaudry moved consideration of HB 102 be placed at the bottom of the second reading board. Motion carried.

HB 435 - Representative Harper moved Senate amendments to HB 435 be concurred in. Motion carried as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills,

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Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Anderson, Arnott, Bankhead, Bergsagel, Boharski, Devaney, Jore, Keenan, McGee, Prouse, Wagner.

Total 12

Voted Absentee: Marshall, Masolo, Sands, Ayes.

Excused: Cobb, Grimes, Kottel, Orr, Simpkins.

Total 5

Absent or not voting: Beaudry.

Total 1

HB 483 - Representative Mood moved Senate amendments to HB 483 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Arnott, Bergsagel, Lawson, Pease.

Total 5

Voted Absentee: Marshall, Masolo, Sands, Ayes.

Excused: Cobb, Grimes, Kottel, Orr, Simpkins.

Total 5

Absent or not voting: None.

Total 0

HB 508 - Representative Devaney moved Senate amendments to HB 508 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar,

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Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: None.

Total 0

Voted Absentee: Marshall, Masolo, Sands, Ayes.

Excused: Cobb, Grimes, Kottel, Orr, Simpkins.

Total 5

Absent or not voting: McGee, Tuss.

Total 2

HB 518 - Representative Ewer moved Senate amendments to HB 518 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Arnott, Boharski, Holland, Jore, Keenan, Lawson, Molnar, Prouse, Vick, Wagner.

Total 11

Voted Absentee: Marshall, Masolo, Sands, Ayes.

Excused: Cobb, Grimes, Kottel, Orr, Simpkins.

Total 5

Absent or not voting: Heavy Runner.

Total 1

HB 523 - Representative McCulloch moved Senate amendments to HB 523 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr.

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Speaker.
Total 85

Noes: Adams, Jore, McGee, Prouse, Rehbein, Story, Trexler, Vick, Wagner, Walters.
Total 10

Voted Absentee: Marshall, Masolo, Sands, Ayes.

Excused: Cobb, Grimes, Kottel, Orr, Simpkins.
Total 5

Absent or not voting: None.
Total 0

HB 524 - Chairman Tuss moved consideration of HB 524 be placed at the bottom of the second reading board.
Motion carried.

HB 546 - Representative Tash moved Senate amendments to HB 546 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: None.
Total 0

Voted Absentee: Cobb, Marshall, Masolo, Sands, Ayes.

Excused: Grimes, Kottel, Orr, Simpkins.
Total 4

Absent or not voting: Grinde.
Total 1

HB 554 and HB 559 - Representative Grinde moved consideration of HB 554 and HB 559 be passed for the day.
Motion carried.

HB 558 - Representative Smith moved Senate amendments to HB 558 be not concurred in.

Representative Grinde moved consideration of HB 558 be placed below HJR 13 on the second reading board.
Motion carried.

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HB 568 - Representative Ohs moved Senate amendments to HB 568 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Arnott, Boharski, Jore, Kasten, Keenan.

Total 6

Voted Absentee: Marshall, Masolo, Ayes.

Excused: Cobb, Grimes, Kottel, Orr, Sands, Simpkins.

Total 6

Absent or not voting: Bergsagel, Clark, Smith, Swanson, Vick.

Total 5

HJR 23 - Representative Tropila moved Senate amendments to HJR 23 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Jore, Kasten, Keenan, Prouse.

Total 5

Voted Absentee: Marshall, Masolo, Ayes.

Excused: Cobb, Grimes, Kottel, Orr, Sands, Simpkins.

Total 6

Absent or not voting: Bergsagel.

Total 1

HJR 28 - Representative Curtiss moved Senate amendments to HJR 28 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger,

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Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Feland, Galvin, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Prouse, Quilici, Rose, Sands, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Arnott, Boharski, Cocchiarella, Dowell, Ewer, Gillan, Hagener, Heavy Runner, Jore, Keenan, Krenzler, Pease, Peck, Raney, Rehbein, Ryan, Schmidt, Whitehead.

Total 18

Voted Absentee: Cobb, Marshall, Masolo, Sands, Ayes.

Excused: Grimes, Kottel, Orr, Simpkins.

Total 4

Absent or not voting: Ream.

Total 1

HB 248 - Representative Harper moved Senate amendments to HB 248 be concurred in. Motion carried as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Adams, Anderson, Arnott, Boharski, Brainard, Curtiss, DeBruycker, Grinde, Holland, Jore, Kasten, Keenan, Mills, Rehbein, Story, Vick, Wagner.

Total 17

Voted Absentee: Marshall, Masolo, Sands, Ayes.

Excused: Cobb, Grimes, Kottel, Orr, Simpkins.

Total 5

Absent or not voting: Smith.

Total 1

HB 531 - Representative Swanson moved Senate amendments to HB 531 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis,

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Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.
Total 87

Noes: Adams, DeBruycker, Jore, Prouse, Wagner.
Total 5

Voted Absentee: Marshall, Masolo, Ayes.

Excused: Cobb, Grimes, Kottel, Orr, Sands, Simpkins.
Total 6

Absent or not voting: Menahan, Mr. Speaker.
Total 2

HJR 4 - Representative McCann moved Senate amendments to HJR 4 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 92

Noes: Boharski, Heavy Runner.
Total 2

Voted Absentee: Marshall, Masolo, Ayes.

Excused: Cobb, Grimes, Kottel, Orr, Sands, Simpkins.
Total 6

Absent or not voting: None.
Total 0

HJR 13 - Representative Curtiss moved Senate amendments to HJR 13 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Prouse, Rehbein, Rose, Simon, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr.

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Speaker.
Total 65

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Krenzler, McCann, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Whitehead, Wyatt.
Total 31

Voted Absentee: Cobb, Marshall, Masolo, Ayes; Sands, No.

Excused: Grimes, Kottel, Orr, Simpkins.
Total 4

Absent or not voting: None.
Total 0

HB 558 - Representative Smith moved Senate amendments to HB 558 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Wagner, Walters, Wiseman, Zook, Mr. Speaker.
Total 76

Noes: Anderson, Arnott, Boharski, Bohlinger, Devaney, Dowell, Harrington, Jore, Kasten, Keenan, Rehbein, Trexler, Tropila, Tuss, Vick, Wells, Whitehead, Wyatt.
Total 18

Voted Absentee: Marshall, Sands, Ayes.

Excused: Cobb, Grimes, Kottel, Masolo, Orr, Simpkins.
Total 6

Absent or not voting: None.
Total 0

HB 102 - Representative Beaudry moved consideration of HB 102 be passed for the day. Motion carried.

HJR 25 - Representative Brainard moved Senate amendments to HJR 25 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills,

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Total 77

Noes: Boharski, Carey, Dowell, Ellingson, Ewer, Galvin, Hagener, Harrington, J. Johnson, Jore, McCann, Pavlovich, Pease, Peck, Ryan, Sands, Tropila, Whitehead.

Total 18

Voted Absentee: Marshall, Masolo, Ayes; Sands, No.

Excused: Cobb, Grimes, Kottel, Orr, Simpkins.

Total 5

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Tuss moved that the Committee of the Whole report be adopted. Report adopted. (88-4)

Representative Prouse excused at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 280 concurred in as follows:

Ayes: Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Krenzler, Lawson, McCulloch, McGee, Menahan, Mills, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Ryan, Simpson, Sliter, Soft, Squires, Swanson, Tash, Tuss, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 49

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Feland, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Marshall, Masolo, McCann, Molnar, Mood, Orr, Peck, Prouse, Rehbein, Rose, Schmidt, Simon, Smith, Story, Stovall, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Zook.

Total 45

Voted Absentee: Marshall, Masolo, Orr, Prouse, Noes.

Excused: Cobb, Grimes, Kottel, Sands, Simpkins.

Total 5

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Absent or not voting: Ahner.

Total 1

SB 124, Governor's amendments, concurred in as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Anderson, Arnott, Boharski, DeBruycker, Jore, Kasten, Keenan, Prouse, Vick, Wagner, Walters.

Total 12

Voted Absentee: Kottel, Marshall, Masolo, Sands, Ayes; Prouse, No.

Excused: Cobb, Grimes, Orr, Simpkins.

Total 4

Absent or not voting: None.

Total 0

SB 394 concurred in as follows:

Ayes: Beaudry, Bergman, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Ellis, Galvin, Gillan, Grady, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, J. Johnson, R. Johnson, Kasten, Keenan, Knox, Kottel, Lawson, Marshall, McCulloch, Menahan, Mood, Ohs, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Simon, Soft, Squires, Story, Swanson, Tash, Taylor, Tropila, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 51

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, Dowell, Ewer, Feland, Grinde, Hagener, Holland, Hurdle, Jore, Kitzenberg, Krenzler, Masolo, McCann, McGee, Mills, Molnar, Orr, Pease, Peck, Prouse, Raney, Schmidt, Simpkins, Simpson, Sliter, Smith, Stovall, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead.

Total 48

Voted Absentee: Cobb, Kottel, Marshall, Sands, Ayes; Masolo, Orr, Prouse, Simpkins, Noes.

Excused: Grimes.

Total 1

Absent or not voting: None.

Total 0

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HB 430 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Adams, Anderson, Arnott, Boharski, Brainard, DeBruycker, Jore, Kasten, Keenan, McCann, Molnar, Peck, Prouse, Rehbein, Smith, Story, Vick, Wagner, Walters.

Total 19

Voted Absentee: Kottel, Marshall, Masolo, Sands, Ayes; Prouse, No.

Excused: Cobb, Grimes, Orr, Simpkins.

Total 4

Absent or not voting: Knox, McGee, Ohs.

Total 3

HB 431 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Kottel, Marshall, Masolo, Prouse, Sands, Ayes.

Excused: Cobb, Grimes, Orr, Simpkins.

Total 4

Absent or not voting: None.

Total 0

HB 444 - as amended by the Senate, concurred in as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Hagener, Hurdle, Simpson.

Total 3

Voted Absentee: Kottel, Marshall, Masolo, Prouse, Sands, Ayes.

Excused: Cobb, Grimes, Orr, Simpkins.

Total 4

Absent or not voting: None.

Total 0

HB 447 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 92

Noes: Barnhart, Ellingson, Wyatt.

Total 3

Voted Absentee: Kottel, Marshall, Masolo, Prouse, Sands, Ayes.

Excused: Cobb, Grimes, Orr, Simpkins.

Total 4

Absent or not voting: Sliter.

Total 1

HB 468 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin,

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Gillan, Grady, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Arnott, Bergsagel, Boharski, Brainard, Grinde, M. Hanson, Jore, Taylor, Vick, Walters.

Total 10

Voted Absentee: Kottel, Marshall, Masolo, Prouse, Sands, Ayes.

Excused: Cobb, Grimes, Orr, Simpkins.

Total 4

Absent or not voting: None.

Total 0

HB 479 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Hayne, Jore, Kasten, Keenan, Rehbein, Wagner.

Total 6

Voted Absentee: Kottel, Marshall, Masolo, Prouse, Sands, Ayes.

Excused: Cobb, Grimes, Orr, Simpkins.

Total 4

Absent or not voting: Boharski, Simpson.

Total 2

HB 491 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila,

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Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Adams, Barnhart, Boharski, Carey, Ellingson, Ewer, Galvin, Gillan, Hagener, Heavy Runner, Hurdle, Krenzler, Lawson, McCulloch, Menahan, Pavlovich, Pease, Peck, Prouse, Schmidt, Simpson, Swanson, Tuss, Whitehead, Wyatt.

Total 25

Voted Absentee: Kottel, Marshall, Masolo, Sands, Ayes; Prouse, No.

Excused: Cobb, Grimes, Orr, Simpkins.

Total 4

Absent or not voting: None.

Total 0

HB 502 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Anderson, Arnott, Bergsagel, Brainard, Grinde, Jore, Keenan, McCann, Molnar, Smith, Wagner.

Total 12

Voted Absentee: Kottel, Marshall, Masolo, Prouse, Sands, Ayes.

Excused: Cobb, Grimes, Orr, Simpkins.

Total 4

Absent or not voting: None.

Total 0

HB 521 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 88

Noes: Anderson, Arnott, Boharski, Jore, Kasten, Keenan, Vick.
Total 7

Voted Absentee: Kottel, Marshall, Masolo, Prouse, Sands, Ayes.

Excused: Cobb, Grimes, Orr, Simpkins.
Total 4

Absent or not voting: Sliter.
Total 1

HB 149 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 85

Noes: Anderson, Arnott, Boharski, Brainard, DeBruycker, Denny, Jore, Keenan, Prouse, Sliter.
Total 10

Voted Absentee: Kottel, Marshall, Masolo, Sands, Ayes; Prouse, No.

Excused: Cobb, Grimes, Orr, Simpkins.
Total 4

Absent or not voting: Soft.
Total 1

HB 284 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 83

Noes: Adams, Anderson, Arnott, Boharski, DeBruycker, Jore, Kasten, Keenan, Krenzler, Molnar, Rehbein, Vick, Wagner.

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Total 13

Voted Absentee: Kottel, Marshall, Masolo, Prouse, Sands, Ayes.

Excused: Cobb, Grimes, Orr, Simpkins.

Total 4

Absent or not voting: None.

Total 0

MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 83**. Motion carried.

Mr. Speaker appointed the following members:

Representative Bergsagel, Chairman
Representative Vick
Representative McCann

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 547**. Motion carried.

Mr. Speaker appointed the following members:

Representative Rehbein, Chairman
Representative Anderson
Representative Carey

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 345**. Motion carried.

Mr. Speaker appointed the following members:

Representative Masolo, Chairman
Representative Devaney
Representative Ellingson

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 369**. Motion carried.

Mr. Speaker appointed the following members:

Representative Brainard, Chairman
Representative Denny
Representative McCulloch

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HB 416 - Representative Adams moved he be allowed to change his vote on HB 416, motion to take from the table from nay to aye. Motion carried.

HB 129 - Representative Heavy Runner moved he be allowed to change his vote on HB 129, second reading, from abstain to aye. Motion carried.

SB 280 - Representative Schmidt moved she be allowed to change her vote on SB 280, third reading, from aye to nay. Motion carried.

MESSAGES FROM THE SENATE

The Senate, on 4/12/97, rejected House amendments to **SB 71**, appointed a conference committee, and requested the House appoint a like committee to confer on SB 71.

President Aklestad appointed the following members:

Senator Toews, Chairman
Senator Jenkins
Senator Bowman Shea

The Senate, on 4/11/97, rejected House amendments to **SB 207**, appointed a conference committee, and requested the House appoint a like committee to confer on SB 207.

President Aklestad appointed the following members:

Senator Beck, Chairman
Senator Jabs
Senator Lynch

The Senate, on 4/11/97, rejected House amendments to **SB 251**, appointed a conference committee, and requested the House appoint a like committee to confer on SB 251.

President Aklestad appointed the following members:

Senator Keating, Chairman
Senator Mahlum
Senator Stang

The Senate, on 4/10/97, rejected House amendments to **SB 283**, appointed a conference committee, and requested the House appoint a like committee to confer on SB 283.

President Aklestad appointed the following members:

Senator Holden, Chairman
Senator Burnett
Senator Bartlett

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ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, April 14, 1997. Motion carried.

House adjourned at 9:44 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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Helena, Montana
April 14, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Devaney. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker introduced this week's pages:

Aimee Beaudry, Butte
Jeremy Cox, Polson
Travis Harp, Great Falls
Kari Hill, Kalispell
Liza Pehrson, Chinook
J.R. Peterson, Wilsall
Joseph Plowman, Boyd
Megan Reisig, Anaconda
Eric Rich, Kalispell
Rikki Roullier, Billings
Justin Schara, Kalispell
Amber Stone, Billings

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/14/97

Correctly printed for second reading: HJR 32, SB 390.

Examined by the sponsor and found to be correct: HB 4, HB 222, HB 268.

Signed by the Speaker at 10:50 a.m., April 12, 1997: HB 391, HB 234, HB 596, HB 44, HJR 29, HB 612.

Delivered to the Secretary of State at 9:00 a.m., April 14, 1997: HJR 2, HJR 7, HJR 8.

Delivered to the Secretary of State at 10:30 a.m., April 14, 1997: HJR 14, HJR 26, HJR 30.

Delivered to the Governor for his approval at 11:15 a.m., April 12, 1997: HB 231, HB 408, HB 240, HB 556, HB 114, HB 170.

Delivered to the Governor for his approval at 3:35 p.m., April 14, 1997: HB 3, HB 28, HB 538, HB 111.

REPORTS OF SELECT COMMITTEES

Conference Committee
on House Bill 27
Report No. 1, April 11, 1997

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 27, met and considered HB 27 and recommend that HB 27 be amended as follows:

1. Page 3, line 21.
Following: "making"

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Insert: "or interfere with a provider making"

And this Conference Committee report be adopted.

For the House:

Bergman, Chairman
Soft
Sands

For the Senate:

Benedict, Chairman
Estrada
Christiaens

MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/12/97

HB 13, introduced by Wiseman

HB 398, introduced by R. Johnson

House bills concurred in and returned to the House:

4/12/97

HB 281, introduced by Ryan

HB 567, introduced by Squires

HB 576, introduced by Cobb

House amendments to Senate bills concurred in:

4/12/97

SB 324, introduced by Estrada

SB 350, introduced by McNutt

SB 368, introduced by Lynch

SB 378, introduced by Benedict

House amendments to Senate joint resolution concurred in:

4/12/97

SJR 13, introduced by Miller

Free conference committee report #1 adopted:

4/12/97

SB 48, introduced by Sprague

House joint resolution concurred in and returned to the House:

4/12/97

HJR 31, introduced by Pease

The Senate, on 4/12/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 388**.

President Aklestad appointed the following members:

Senator Crismore, Chairman

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Senator Emerson
Senator Bowman Shea

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative R. Johnson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 102 - Representative Beaudry moved Senate amendments to HB 102 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bitney, R. Johnson, Peck.

Total 3

HB 524 - Representative Anderson moved Senate amendments to HB 524 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Quilici, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Harper, Hurdle, Jore, Kottel, Krenzler, McCulloch, Pease, Prouse, Raney, Ream, Rehbein, Sands, Swanson, Tuss, Vick, Whitehead.

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Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 554 - Representative Simpkins moved Senate amendments to HB 554 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Denny.

Total 1

HB 559 - Representative Grimes moved Senate amendments to HB 559 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Boharski, Jore, Prouse.

Total 3

Excused: None.

Total 0

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Absent or not voting: Anderson.

Total 1

HB 139 - Representative Swanson moved Senate amendments to HB 139 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Arnott, Cobb, DeBruycker, Denny, Devaney, Kasten, Orr, Prouse.

Total 9

Excused: None.

Total 0

Absent or not voting: Bergsagel, Sliter.

Total 2

HB 572 - Representative Grinde moved consideration of HB 572 be passed for the day. Motion carried.

HJR 27 - Representative Anderson moved Senate amendments to HJR 27 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Carey, Cocchiarella, Dowell, Ellingson, Ewer, Gillan, Harper, Harrington, Hurdle, Kottel, McCulloch, Molnar, Raney, Ryan, Sands, Tuss, Wagner.

Total 17

Excused: None.

Total 0

Absent or not voting: Beaudry, Galvin, Keenan, Whitehead.

Total 4

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HB 100 - Representative Soft moved Senate amendments to HB 100 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Boharski, Bookout, Brainard, Cobb, Denny, Ewer, Hurdle, Mood, Tropila.

Total 9

Excused: None.

Total 0

Absent or not voting: Jore, Vick.

Total 2

Representative Grinde assumed the Chair at this time.

HB 163 - Representative J. Johnson moved Senate amendments to HB 163 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Adams, Arnott, Brainard.

Total 3

Excused: None.

Total 0

Absent or not voting: Bergsagel, Denny, Pavlovich, Sliter.

Total 4

HB 298 - Representative R. Johnson moved Senate amendments to HB 298 be not concurred in. Motion carried as follows:

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Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cocchiarella, Curtiss, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Arnott, Boharski, Carey, Cobb, DeBruycker, Denny, Devaney, Ellingson, Jore, Kasten, Keenan.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative R. Johnson resumed the Chair at this time.

HB 561 - Representative Kasten moved Senate amendments to HB 561 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 98

Noes: Keenan.

Total 1

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 598 - Representative Trexler moved Senate amendments to HB 598 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten,

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Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Gillan, Swanson.
Total 2

SB 300 - Representative Grinde moved consideration of SB 300 be placed at the bottom of the second reading board. Motion carried.

SB 372 - Representative Swanson moved SB 372 be concurred in.

Representative Beaudry moved SB 372, second reading copy, be amended as follows (amendment #1):

1. Page 7, line 8.
Strike: "(1)"

2. Page 7, line 9.
Strike: "1998"
Insert: "1997"

3. Page 7, line 10.
Strike: subsection (2) in its entirety

4. Page 7, line 13.
Strike: "1999"
Insert: "1998"

5. Page 7, lines 15 and 16.
Strike: "1999"
Insert: "1998"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter,

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Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 92

Noes: Cobb, Harper, Harrington, Heavy Runner, Kottel, McCann, Raney, Wyatt.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion to concur in SB 372, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Arnott, DeBruycker, Jore.

Total 3

Excused: None.

Total 0

Absent or not voting: Galvin, Vick.

Total 2

SB 386 - Representative Feland moved SB 386 be concurred in.

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Peck, Vick.

Total 2

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 57 - Representative Story moved SB 57 be concurred in.

Representative Bergsagel moved SB 57, second reading copy, be amended as follows (amendment #1):

1. Title, line 15.

Following: "OF TAX;"

Insert: "PROVIDING FOR AN ANALYSIS OF ALTERNATIVE METHODS OF CLASSIFICATION, VALUATION, AND TAXATION OF AUTOMOBILES AND TRUCKS HAVING A MANUFACTURER'S RATED CAPACITY OF 1 TON OR LESS;"

2. Page 41, line 9.

Insert: "NEW SECTION. Section 34. Legislative audit committee analysis. (1) The legislative audit committee shall conduct or have conducted an analysis of alternative methods of classification, valuation, and taxation of automobiles and trucks having a manufacturer's rated capacity of 1 ton or less. The analysis must include:

- (a) alternative methods of valuation and taxation;
 - (b) imposition of a flat tax or fees in lieu of taxes;
 - (c) multiyear licensing;
 - (d) cost-effectiveness and public convenience of alternative methods of classifying motor vehicles and of collecting motor vehicle taxes or fees;
 - (e) anticipated costs and revenues of alternative systems compared with the present system of classifying, valuing, and taxing motor vehicles; and
 - (f) alternative methods for formulas based on revenue allocations to counties.
- (2) The committee shall report the results of its analysis to the 56th legislature."

Renumber: subsequent sections

3. Page 41, line 25.

Following: "rules"

Insert: "and conducting the analysis required by [section 34]"

Strike: "section"

Insert: "sections"

Following: "25"

Insert: "and 34"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands,

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Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 97

Noes: DeBruycker, Kasten, Wyatt.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Arnott moved SB 57, second reading copy, be further amended (amendment #2). Motion failed as follows: (49-51)

Representative Arnott moved the House reconsider its action on SB 57, amendment #2 taken on second reading this legislative day. Motion carried. (61-37)

Representative Arnott moved SB 57, second reading copy, be further amended as follows (amendment #2):

1. Title, lines 7 though 9.

Following: "OF"

Insert: "CERTAIN"

Strike: "TAXING" on line 7 through ";" on line 9

2. Title, line 15.

Following: "OF TAX;"

Insert: "PROVIDING THAT A COUNTY TREASURER IS AN AGENT OF THE DEPARTMENT OF REVENUE FOR THE PURPOSES OF ASSESSING CERTAIN MOTOR VEHICLES UPON APPLICATION FOR REGISTRATION OR REREGISTRATION OF THE VEHICLE;"

3. Title, line 16.

Strike: "15-8-201,"

4. Title, line 18.

Strike: "61-3-501,"

5. Title, line 19.

Following: "61-3-537,"

Insert: "AND"

Strike: "AND 61-12-402,"

6. Page 1, lines 25 and 26.

Strike: "valuation" on line 25 through the first "the" on line 26

7. Page 1, lines 27 through 29.

Strike: the first "the" on line 27 through the first "and" on line 29

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8. Page 2, line 2.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

9. Page 2, line 3.

Following: "trucks;"

Insert: "and"

10. Page 2, lines 4 through 7.

Strike: subsections (3) and (4) in their entirety

Renumber: subsequent subsection

11. Page 9, line 13 through page 10, line 1.

Strike: section 5 in its entirety

Renumber: subsequent sections

12. Page 10, line 4.

Strike: "by department of justice"

Strike: "(a)"

13. Page 10, line 7.

Following: "The"

Insert: "department shall, in each year, ascertain and assess all motor vehicles, other than motor homes, travel trailers, campers, or mobile homes, and buses and trucks having a rated capacity of more than 1 ton in each county subject to taxation as of the anniversary registration date of those vehicles as provided by law, subject to 61-3-313 through 61-3-316 and 61-3-501. The assessment for"

14. Page 10, lines 8 and 9.

Strike: "department of justice shall assess all" on line 8

Strike: "light" on line 8

Insert: "motor"

Following: "vehicles" on line 8

Strike: "1"

Strike: "subject" on line 8 through "taxation" on line 9

Insert: "must be made"

15. Page 10, lines 10 through 13.

Strike: "(b)" on line 10 through "(1)" on line 13

Insert: "The motor vehicles"

16. Page 10, line 14.

Strike: "or imposed"

Strike: "on"

Insert: "to"

17. Page 10, line 15.

Strike: "vehicle was"

Insert: "vehicles were"

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18. Page 10, line 17.

Strike: "or fee in lieu of tax"

Strike: "or imposed"

19. Page 10, line 18.

Strike: "or to a fee in lieu of tax"

20. Page 10, line 19.

Strike: "or a fee in lieu of tax that are"

21. Page 11, line 19.

Page 12, line 15.

Page 13, line 21.

Page 14, line 22.

Page 14, line 29.

Page 15, line 24.

Page 15, line 29.

Page 17, line 6.

Page 20, line 7.

Page 21, line 24.

Page 27, line 4.

Page 32, line 5.

Page 35, line 18.

Page 39, line 17.

Strike: "33"

Insert: "29"

22. Page 22, lines 13 through 20.

Strike: sections 16 and 17

Renumber: subsequent sections

23. Page 23, line 18.

Strike: "motor vehicle taxes and fees"

Insert: "the fee"

24. Page 23, line 19.

Strike: "light vehicle subject to tax under 61-3-503 and for each"

25. Page 23, line 21.

Strike: "32"

Insert: "28"

Strike: "33"

Insert: "29"

26. Page 27, lines 7 through 22.

Strike: section 22 in its entirety

Renumber: subsequent sections

27. Page 27, line 25.

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Strike: "(4)"

Insert: "(2)"

28. Page 28.

Following: line 5

Insert: "(a) A person shall file an application for registration or reregistration of a motor vehicle with the county treasurer. The county treasurer, as an agent of the department of revenue, shall enter on the application in a space to be provided for that purpose the market value and taxable value of the vehicle as of January 1 of the year for which the application for registration is made.

(b) Except as provided in subsection (1)(c), motor vehicles are assessed for taxes on January 1 in each year irrespective of the time fixed by law for the assessment of other classes of personal property and irrespective of whether the levy and tax may be a lien upon real property within the state. A motor vehicle is not subject to assessment, levy, and taxation more than once in each year."

Renumber: subsequent subsections

29. Page 28, lines 15 through 17.

Strike: "depreciated" on line 15 through "(b) A" on line 17

Insert: "average trade-in or wholesale value as of January 1 of the year of assessment of the vehicle as contained in the most recent volume of the Mountain States Edition of the National Automobile Dealers Association (N.A.D.A.) Official Used Car Guide, the National Edition of N.A.D.A. Appraisal Guides Official Older Used Car Guide, or another nationally published used vehicle or appraisal guide approved by the department of revenue or, for a vehicle that was never listed in any edition of the preceding guides, the retail value of the vehicle as determined by the department of revenue, and depreciated 10% a year until a value of \$500 is reached, not including additions or deductions for options and mileage but including additions or deductions, whether or not one of the preceding guides is used, for diesel engines; and a"

30. Page 28, line 18.

Strike: "depreciated"

31. Page 28, line 19.

Following: "~~section~~"

Insert: "shown in any of the appraisal guides listed in this section"

32. Page 29, line 14 through page 30, line 21.

Strike: subsections (2) and (3) in their entirety

Insert: "(d) If a vehicle assessed under subsection (1)(a) or (1)(b) is not originally listed in the applicable N.A.D.A. guide or other approved guide, the department of revenue shall depreciate the original f.o.b. factory list price, f.o.b. port-of-entry list price, or the manufacturer's suggested list price, using the following methods:

(i) if the new car sales tax has been previously paid and the vehicle is less than 1 year in age, the depreciation percentage is 20%; or

(ii) if the vehicle is 1 year or older in age and it is not listed in any of the appraisal guides listed in this section, the department of revenue shall determine the depreciation percentage to approximate the average wholesale or trade-in values in the current N.A.D.A. guides or other approved guides referred to in this subsection (1). For purposes of this subsection (1), the age of the vehicle is determined by subtracting the manufacturer's model year of the vehicle from the calendar year of assessment.

(e) When a minimum value of \$500 is reached, the value must remain at that minimum as long as the vehicle is registered.

(f) If a previously registered vehicle is no longer listed in the applicable N.A.D.A. guide or other approved

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guide, the department of revenue shall depreciate the value of the vehicle at the rate of 10% a year until a minimum amount of \$500 is attained, and the value must remain at that amount as long as the vehicle is registered."

33. Page 30, line 22.

Strike: "(4)"

Insert: "(2)"

Following: "(1)"

Insert: "(a)"

Strike: "(3)"

Insert: "(1)(f)"

34. Page 30, line 27.

Strike: "The" through "vehicle,"

35. Page 31, line 1.

Following: "~~less,~~"

Insert: "The amount of tax on an automobile or truck having a rated capacity of 1 ton or less,"

36. Page 31, line 12.

Following: "~~the~~"

Insert: "department of revenue shall adopt rules for the payment of property taxes, other than for motor vehicles having a rated capacity of more than 1 ton, and the"

37. Page 31, line 15.

Following: "~~period~~"

Insert: "The department of revenue may adopt rules for the proration of taxes for the implementation and administration of 61-3-313 through 61-3-316, 61-3-501, and 61-3-520, but shall specifically provide that new car taxes must be for a 12-month period."

38. Page 31, lines 16 through 19.

Strike: "." on line 16 through "(b)" on line 19

39. Page 34, lines 9 and 10.

Strike: "The" on line 9 through "when" on line 10

Insert: "Except as provided in subsection (2), an owner of the following types of motor vehicles may reregister by mail:

(a) light vehicles and other vehicles subject to tax under 61-3-504(1); and

(b) motorcycles, quadricycles, travel trailers, campers, and motor homes subject to a fee in lieu of tax under 61-3-521 and 61-3-527.

(2) The option to reregister by mail need only be made available for vehicles, motor homes, and travel trailers registered at the close of the expiring registration period in the name of the applicant for reregistration and only if"

Strike: "weight," on line 10

Renumber: subsequent subsections

40. Page 34, line 11.

Strike: "for a particular type of vehicle"

Strike: "by electronic means"

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41. Page 34, line 13.

Strike: "Any"

Insert: "The department shall develop a procedure to facilitate the reregistration by mail of the vehicles listed in subsection (1). The"

42. Page 34, line 16.

Strike: "and must"

Insert: "."

(4) The procedure implemented by the department to permit reregistration or camper decal application by mail must"

Renumber: subsequent subsection

43. Page 37, line 21.

Strike: "32"

Insert: "28"

Strike: "33"

Insert: "29"

44. Page 38, line 21.

Strike: "36"

Insert: "31"

45. Page 40, line 1 through page 41, line 8.

Strike: section 38 in its entirety

Renumber: subsequent section

46. Page 41, lines 10 through 13.

Strike: "[Sections" on line 10 through "(2)" on line 13

Renumber: subsequent subsection

Strike: "32"

Insert: "28"

Strike: "33"

Insert: "29"

47. Page 41, line 14.

Strike: "32"

Insert: "28"

Strike: "33"

Insert: "29"

48. Page 41, line 15.

Strike: "34"

Insert: "30"

Strike: "36"

Insert: "32"

49. Page 41, line 16.

Strike: "34"

Insert: "30"

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50. Page 41, line 17.

Strike: "36"

Insert: "32"

51. Page 41, line 25.

Strike: "25"

Insert: "21"

Amendment #2 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnhart, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grimes, Grinde, Harper, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kottel, Krenzler, Lawson, McGee, Mills, Molnar, Orr, Pease, Prouse, Raney, Rehbein, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Stovall, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 60

Noes: Anderson, Barnett, Bergman, Boharski, Carey, DeBruycker, Ellis, Feland, Grady, Hagener, H.S. Hanson, M. Hanson, Harrington, Hibbard, Kitzenberg, Knox, Marshall, Masolo, McCann, McCulloch, Menahan, Mood, Ohs, Pavlovich, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Squires, Story, Swanson, Tash, Taylor, Tropila, Tuss, Zook.

Total 39

Excused: None.

Total 0

Absent or not voting: Beaudry.

Total 1

Motion to concur in SB 57, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wiseman, Mr. Speaker.

Total 82

Noes: Barnett, Brainard, DeBruycker, Feland, Grimes, Hagener, Hayne, Kasten, Masolo, Mills, Peck, Rehbein, Simpkins, Squires, Tash, Walters, Wyatt, Zook.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 300 - Representative Simpkins moved SB 300 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Brainard, DeBruycker, Hagener, Harper, McCann, Peck.

Total 6

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman R. Johnson moved that the Committee of the Whole report be adopted. Report adopted. (98-2)

Representative Bergsagel excused at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 6 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Arnott, DeBruycker, Jore, Keenan, Orr, Peck, Prouse, Raney, Wells.

Total 10

Voted Absentee: Bergsagel, Aye.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 129 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Arnott, Bergsagel, Boharski, Hayne, Jore, Keenan, Orr, Prouse.

Total 9

Voted Absentee: Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 435 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Adams, Anderson, Arnott, Bankhead, Bergsagel, Bitney, Boharski, Brainard, DeBruycker, Devaney, Grimes, Holland, R. Johnson, Jore, Kasten, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Taylor, Vick, Wagner, Wells.

Total 25

Voted Absentee: Bergsagel, No.

Excused: None.

Total 0

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Absent or not voting: Mood, Simpkins.

Total 2

HB 483 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Adams, Arnott, Boharski, Brainard, Jore, Lawson, Orr.

Total 7

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 508 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Arnott, Cobb, Keenan, Orr, Peck, Simon.

Total 6

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 518 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Carey, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook.

Total 72

Noes: Adams, Arnott, Barnett, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Feland, Grinde, Holland, R. Johnson, Jore, Kasten, Keenan, Lawson, Molnar, Orr, Prouse, Rehbein, Smith, Taylor, Vick, Wagner, Wells, Mr. Speaker.

Total 28

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 523 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Boharski, Jore, Keenan, Orr, Prouse, Vick, Wagner.

Total 8

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

HB 546 - as amended by the Senate, concurred in as follows:

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Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Arnott, Cobb, Jore, Keenan, Orr, Peck, Prouse, Tuss.

Total 8

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

HB 558 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Holland, Jore, Knox, Lawson, Marshall, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 58

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Masolo, McCann, McCulloch, Pavlovich, Pease, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Trexler, Tropila, Tuss, Whitehead, Wyatt.

Total 42

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 568 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes,

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Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Adams, Arnott, Boharski, Brainard, DeBruycker, Devaney, Feland, Jore, Kasten, Keenan, Orr, Prouse, Rehbein, Vick.
Total 14

Voted Absentee: Bergsagel, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 23 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Adams, Arnott, Jore, Kasten, Keenan, Orr, Prouse, Rehbein.
Total 8

Voted Absentee: Bergsagel, Aye.

Excused: None.
Total 0

Absent or not voting: Grinde, Taylor.
Total 2

HJR 28 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar,

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Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Gillan, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, Krenzler, McCann, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Squires, Swanson, Tuss, Whitehead.

Total 27

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 248 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Adams, Boharski, Brainard, Curtiss, DeBruycker, Devaney, Holland, Jore, Kasten, Keenan, Orr, Vick, Wagner, Wells.

Total 14

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

HB 531 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead,

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Wiseman, Wyatt, Zook, Mr. Speaker.
Total 76

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Clark, Cobb, DeBruycker, Devaney, Feland, Grinde, Jore, Kasten, Keenan, Orr, Prouse, Rehbein, Sliter, Vick, Wagner, Walters, Wells.
Total 22

Voted Absentee: Bergsagel, No.

Excused: None.
Total 0

Absent or not voting: H.S. Hanson, Smith.
Total 2

HJR 4 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Arnott, Bergsagel, Hayne, Jore, Keenan, Rehbein.
Total 6

Voted Absentee: Bergsagel, No.

Excused: None.
Total 0

Absent or not voting: Soft.
Total 1

HJR 13 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 63

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington,

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Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, Lawson, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 36

Voted Absentee: Bergsagel, Aye.

Excused: None.
Total 0

Absent or not voting: M. Hanson.
Total 1

HJR 25 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 68

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Squires, Swanson, Tropila, Tuss, Whitehead.
Total 32

Voted Absentee: Bergsagel, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 102**. Motion carried.

Mr. Speaker appointed the following members:

Representative Feland, Chairman
Representative Beaudry
Representative Menahan

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 298**. Motion carried.

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Mr. Speaker appointed the following members:

Representative R. Johnson, Chairman
Representative Grimes
Representative Squires

HB 122 - Representative Grinde moved the House dissolve the conference committee on HB 122 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 122. Motion carried.

Mr. Speaker appointed the following members:

Representative Smith, Chairman
Representative Ahner
Representative McCulloch

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 207**. Motion carried.

Mr. Speaker appointed the following members:

Representative Arnott, Chairman
Representative Bankhead
Representative Hagener

HB 389 - Representative Grinde moved the House dissolve the conference committee on HB 389 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 389. Motion carried.

Mr. Speaker appointed the following members:

Representative Simon, Chairman
Representative Brainard
Representative Galvin

HB 346 - Representative Grinde moved the House dissolve the conference committee on HB 346 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 346. Motion carried.

Mr. Speaker appointed the following members:

Representative Masolo, Chairman
Representative Tropila
Representative Boharski

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 283**. Motion carried.

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Mr. Speaker appointed the following members:

Representative Grinde, Chairman
Representative M. Hanson
Representative Kottel

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 71**. Motion carried.

Mr. Speaker appointed the following members:

Representative Ellis, Chairman
Representative Rose
Representative Hurdle

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 251**. Motion carried.

Mr. Speaker appointed the following members:

Representative Mills, Chairman
Representative Taylor
Representative Gillan

REPORTS OF STANDING COMMITTEES

TAXATION (Hibbard, Chairman):
SB 389, be amended as follows:

4/14/97

1. Page 3, line 21.

Insert: "(3) The mill levy applied to a residence for determining the amount of the credit in subsection (1) may not include any mill levy increases imposed after December 31, 1996."

2. Page 6, line 11.

Insert: "(3) The mill levy applied to commercial property for determining the amount of the credit in subsection (1) may not include any mill levy increases imposed after December 31, 1996."

3. Page 7, line 6.

Insert: "NEW SECTION. Section 15. Business reappraisal tax credit. There is a credit against the taxes otherwise due under this chapter allowable to a person for increased property taxes on commercial property resulting from the effects of the 1996 reappraisal. The tax credit must be computed in accordance with the provisions of [sections 8 through 14]."

Renumber: subsequent sections

4. Page 7, line 7.

Page 7, line 9.

Following: "7"

Insert: " and 15"

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And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Conference Committee
on House Bill 117
Report No. 1, April 14, 1997

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 117, met and considered HB 117 and recommend that HB 117 be amended as follows:

1. Page 2, line 18.

Strike: "PURSUANT TO THE CREDIT CARD CONTRACT"

Insert: "for the billing cycle, less any past-due payments and accelerated payments required for the overlimit usage of the credit card"

2. Page 2, line 24.

Following: "BALANCE"

Insert: "as of the date the insured disability commences"

3. Page 2, line 25.

Following: "CYCLE"

Insert: "as a result of the insurer's delay in processing a claim payment"

And this Conference Committee report be adopted.

For the House:

Stovall, Chairman
Pavlovich
Devaney

For the Senate:

Hertel, Chairman
Crismore
McCarthy

Conference Committee
on Senate Bill 296
Report No. 1, April 14, 1997

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 296, met and considered the House amendments to SB 296.

We recommend that SB 296 be amended as follows:

1. Title, line 7 through line 9

Strike: "EXEMPTING" on line 7 through "ALLOWANCE;" on line 9

2. Title, line 9.

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Strike: "19-20-302,"

Following: "~~AND~~"

Insert: "AND"

3. Title, line 10.

Strike: "AND 19-20-804,"

Strike: "AND A TERMINATION DATE"

4. Page 1, line 14 through page 3, line 4.

Strike: Section 1 in its entirety

Renumber: subsequent sections

5. Page 4, line 7 through line 22.

Strike: Section 5 in its entirety

Renumber: subsequent sections

6. Page 4, line 26.

Strike: Section 7 in its entirety

And that this Conference Committee report be adopted.

For the Senate:

Hargrove, Chairman
Jergeson
Toews

For the House:

Kasten, Chairman
Mood
Hagener

MESSAGES FROM THE SENATE

The Senate, on 4/14/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 83**.

President Aklestad appointed the following members:

Senator Mohl, Chairman
Senator Beck
Senator Franklin

The Senate, on 4/14/97, acceded to the request of the House and appointed a conference committee to meet with a like committee from the House to confer on **HB 345**.

President Aklestad appointed the following members:

Senator Keating, Chairman
Senator Wilson
Senator Thomas

The Senate, on 4/14/97, acceded to the request of the House and appointed a free conference committee to meet

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with a like committee from the House to confer on **HB 369**.

President Aklestad appointed the following members:

Senator Sprague, Chairman
Senator Thomas
Senator Eck

The Senate, on 4/14/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 547**.

President Aklestad appointed the following members:

Senator Grosfield, Chairman
Senator Nelson
Senator Mesaros

The Senate, on 4/14/97, acceded to the request of the House and appointed a conference committee to meet with a like committee from the House to confer on **HB 117**.

President Aklestad appointed the following members:

Senator Hertel, Chairman
Senator Crismore
Senator McCarthy

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Tuesday, April 15, 1997. Motion carried.

House adjourned at 3:09 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
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Helena, Montana
April 15, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Trexler. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Simpkins, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventy-fifth through seventy-eighth legislative days, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/15/97

Correctly printed for second reading: SB 389.

Correctly engrossed for third reading: SB 300, SB 372, SB 386, SB 272, SB 336, SB 57, SB 382, SB 354.

Correctly enrolled: HB 20, HB 58, HB 65, HB 66, HB 68, HB 72, HB 76, HB 77, HB 93, HB 125, HB 172, HB 189, HB 190, HB 193, HB 199, HB 202, HB 207, HB 238, HB 251, HB 266, HB 271, HB 276, HB 281, HB 284, HB 302, HB 320, HB 337, HB 442, HB 431, HB 447, HB 468, HB 479, HB 521, HB 534, HB 567, HB 594, HJR 24, HJR 31, HB 47, HB 323, HB 376, HB 502, HB 31, HB 75, HB 89, HB 104, HB 118, HB 120, HB 121, HB 137, HB 140, HB 151, HB 263, HB 180, HB 183, HB 184, HB 185, HB 308, HB 331, HB 352, HB 406, HB 407, HB 430, HB 444, HB 491, HB 519, HJR 13.

Examined by the sponsor and found to be correct: HJR 24, HJR 31, HB 20, HB 58, HB 65, HB 66, HB 68, HB 72, HB 76, HB 77, HB 93, HB 125, HB 172, HB 189, HB 190, HB 193, HB 199, HB 202, HB 207, HB 238, HB 251, HB 266, HB 271, HB 281, HB 284, HB 302, HB 320, HB 337, HB 422, HB 431, HB 447, HB 468, HB 479, HB 521, HB 534, HB 567, HB 576, HB 594, HJR 13, HB 31, HB 47, HB 75, HB 89, HB 104, HB 118, HB 120, HB 121, HB 137, HB 140, HB 151, HB 180, HB 183, HB 184, HB 185, HB 263, HB 276, HB 308, HB 331, HB 352, HB 376, HB 406, HB 430, HB 444, HB 491, HB 502, HB 519, HB 407.

Signed by the Speaker at 11:09 a.m., April 15, 1997: HB 268, HB 222, HB 4.

Signed by the Speaker at 3:43 p.m., April 15, 1997: HB 66, HB 58, HB 238, HB 337, HB 199, HB 302, HB 534, HB 190, HB 479, HB 76, HB 431, HB 72, HB 77, HB 68, HB 172, HB 271, HB 125, HB 320, HB 65, HB 284, HB 93, HB 468, HB 422, HJR 31.

Signed by the Speaker at 4:16 p.m., April 15, 1997: HB 251, HB 281, HB 189, HB 521, HB 207, HB 193, HB 594, HB 266, HB 576, HB 202, HB 567, HB 20, HB 447, HJR 24.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 346
Report No. 1, April 14, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 346 and recommend that House Bill 346 be amended as follows:

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1. Title, line 13.

Strike: "AND"

2. Title, line 14.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 4, line 21.

Following: second "of the"

Strike: "registered owner of"

Insert: "offender, if"

Following: "vehicle"

Insert: "operated at the time of the offense was registered to the offender or a member of the offender's immediate family"

4. Page 4.

Following: line 30

Insert: "(6) An offender is considered to have been previously convicted for the purposes of sentencing if less than 5 years have elapsed between the commission of the present offense and a previous conviction."

5. Page 5.

Following: line 7

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1997."

And this Free Conference Committee report be adopted.

For the House:

Masolo, Chairman

Tropila

Boharski

For the Senate:

Holden, Chairman

Estrada

Doherty

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House:

4/14/97

HB 551, introduced by Grinde

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/14/97

HB 5, introduced by Bergsagel

HB 14, introduced by R. Johnson

HB 607, introduced by Grinde

The Senate, on 3/26/97, rejected House amendments to **SB 48**, appointed a free conference committee, and requested the House to appoint a like committee to confer on **SB 48**.

President Aklestad appointed the following members:

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Senator Sprague, Chairman
Senator Swysgood
Senator Halligan

The Senate, on 4/15/97, rejected House amendments to **SB 44**, appointed a conference committee, and requested the House to appoint a like committee to confer on SB 44.

President Aklestad appointed the following members:

Senator Holden, Chairman
Senator Crippen
Senator Halligan

Representative Grinde moved the House recess until 9:00 a.m. Motion carried.

House recessed at 8:04 a.m.

House reconvened at 9:00 a.m. Mr. Speaker in the Chair.

Roll call. All members present. Quorum present.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 572 - Representative Anderson moved Senate amendments to HB 572 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Clark, Cobb, DeBruycker, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, Mills, Molnar, Ohs, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Story, Stovall, Tash, Taylor, Vick, Walters, Wiseman, Zook, Mr. Speaker.
Total 50

Noes: Adams, Arnott, Barnhart, Boharski, Brainard, Carey, Cocchiarella, Curtiss, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kottel, Krenzler, McCann, McCulloch, McGee, Menahan, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wyatt.
Total 48

Excused: None.
Total 0

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Absent or not voting: Denny, Soft.

Total 2

SB 336 - Representative Beaudry moved SB 336 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Cobb, DeBruycker, Ewer, Orr, Peck, Raney.

Total 6

Excused: None.

Total 0

Absent or not voting: Bookout.

Total 1

SB 272 - Representative Rose moved SB 272 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Ewer, Heavy Runner, Peck, Ream, Wyatt.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 382 - Representative Anderson moved SB 382 be concurred in.

Representative Ellingson moved SB 382, second reading copy, be amended (amendment #1). Motion failed as

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follows: (46-54)

Representative Kottel moved SB 382, second reading copy, be amended (amendment #2). Motion failed as follows: (47-52)

Representative Trexler moved for cloture. Motion carried.

Motion to concur in SB 382 carried as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Clark, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Masolo, McGee, Mills, Mood, Ohs, Orr, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 51

Noes: Arnott, Bankhead, Barnhart, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, McCann, McCulloch, Menahan, Molnar, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Trexler, Tropila, Tuss, Wagner, Whitehead, Wyatt.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 293 - Representative Orr moved Senate amendments to HB 293 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Knox, McGee, Mills, Molnar, Mood, Orr, Prouse, Quilici, Rehbein, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook.

Total 55

Noes: Arnott, Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt, Mr. Speaker.

Total 44

Excused: None.

Total 0

Absent or not voting: Ohs.

Total 1

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HB 252 - Representative Molnar moved Senate amendments to HB 252 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, M. Hanson, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, McGee, Mills, Molnar, Ohs, Orr, Prouse, Raney, Rehbein, Simpkins, Simpson, Sliter, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 56

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, J. Johnson, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Mood, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 42

Excused: None.

Total 0

Absent or not voting: Curtiss, Simon.

Total 2

SB 354 - Representative Hibbard moved SB 354 be concurred in.

Representative Hibbard moved SB 354, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 28.

Following: "SERVE"

Strike: "ONLY"

Following: "WINE"

Insert: "only"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Arnott, Curtiss, Devaney, Jore.

Total 4

Excused: None.

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Total 0

Absent or not voting: Bergsagel, Boharski, Gillan, Heavy Runner, Vick.

Total 5

Representative Simpkins moved SB 354, second reading copy, be further amended (amendment #2). Motion failed as follows: (29-68)

Motion to concur in SB 354, as amended, carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Wyatt, Zook.

Total 70

Noes: Adams, Arnott, Barnett, Boharski, Brainard, Curtiss, DeBruycker, Denny, Devaney, Grimes, Heavy Runner, Holland, Hurdle, Jore, Kasten, Keenan, Masolo, McGee, Molnar, Orr, Pease, Prouse, Rehbein, Simon, Smith, Wagner, Whitehead, Wiseman.

Total 28

Excused: None.

Total 0

Absent or not voting: Clark, Mr. Speaker.

Total 2

SB 256 - Representative Grinde moved consideration of SB 256 be passed for the day. Motion carried.

SB 390 - Representative Grinde moved consideration of SB 390 be placed at the top of the second reading board. Motion carried.

SB 396 - Representative Grinde moved consideration of SB 396 be placed below SB 390 on the second reading board. Motion carried.

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved that the Committee of the Whole report be adopted. Report adopted. (71-22)

Representative Grinde moved the House recess until 1:30 p.m. Motion carried.

House recessed at 12:20 p.m.

House reconvened at 1:30 p.m. Mr. Speaker in the Chair.

Roll call. Quorum present.

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Representatives Clark and Hibbard excused at this time.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 390 - Representative Ryan moved SB 390 be concurred in.

Representative Quilici moved SB 390, second reading copy, be amended as follows (amendment #1):

1. Title, lines 15 through 17.

Strike: "IMPOSING" on line 15 through "COMMITTEE;" on line 17

2. Page 14, line 15.

Following: "(10)"

Strike: "PUBLIC"

Insert: "During the 4-year transition period, public"

3. Page 14, line 17.

Following: "EARNINGS"

Insert: "if electric earnings fall below 9.5% earned return on average equity. The public utility may include the flow through of investment tax credits so that the public utility's earned return on equity is maintained at 9.5%"

4. Page 44, line 1 through page 46, line 21.

Strike: sections 45 and 46 in their entirety

Renumber: subsequent sections

5. Page 46, lines 23 through 26.

Following: "APPROPRIATION." on line 23, strike the remainder of line 23 through "." on line 26

Insert: "(1) The legislative services division may accept gifts, grants, or other donations for the purpose of offsetting the costs of conducting the activities of the transition advisory committee under [section 29] or the study required in [section 30].

(2) A gift, grant, or other donation made by a public utility, as defined in 69-3-101(1)(a), (1)(c), or (1)(d), is a cost that is nonrecoverable from ratepayers and must be borne 100% by the shareholders of the company making the gift, grant, or donation.

(3) The legislative services division is appropriated up to \$200,000 of any gifts, grants, or other donations received under this section, and the appropriation is a biennial appropriation.

(4) If the amount of gifts, grants, or donations exceeds the amount appropriated under subsection (3), the excess must be refunded to the donors in the ratio of their respective gift, grant, or donation to the total gifts, grants, and donations received.

(5) If the amount of the gifts, grants, and donations expended for conducting the activities of the transition advisory committee under [section 29] or the study required in [section 30] is less than the amount received

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as gifts, grants, or donations, the excess must be refunded to the donors in the ratio of their respective gift, grant, or donation to the total gifts, grants, and donations received."

6. Page 47, lines 9 and 11.

Strike: ", 45, and 46"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 79

Noes: Bankhead, Barnhart, Cobb, Curtiss, DeBruycker, Ellingson, Ewer, Harper, Heavy Runner, Hurdle, McCann, McCulloch, Orr, Peck, Raney, Tuss, Wyatt.

Total 17

Voted Absentee: Clark, Aye.

Excused: Hibbard.

Total 1

Absent or not voting: Molnar, Sands, Schmidt.

Total 3

Representative Ewer moved SB 390, second reading copy, be further amended (amendment #2). Motion failed as follows: (29-69)

Representative Ewer moved SB 390, second reading copy, be further amended (amendment #3). Motion failed as follows: (26-71)

Representative Ewer moved SB 390, second reading copy, be further amended (amendment #4). Motion failed as follows: (30-67)

Representative Ewer moved SB 390, second reading copy, be further amended (amendment #5).

Representative Sliter assumed the Chair at this time.

Amendment #5 failed as follows: (26-72)

Representative Cobb moved SB 390, second reading copy, be further amended (amendment #6). Motion failed as follows: (37-58)

Representative Ewer moved SB 390, second reading copy, be further amended (amendment #7). Motion failed as follows: (23-74)

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Representative Ewer moved SB 390, second reading copy, be further amended (amendment #8). Motion failed as follows: (30-68)

Representative Cobb moved SB 390, second reading copy, be further amended (amendment #9). Motion failed as follows: (37-60)

Representative Tuss moved SB 390, second reading copy, be further amended (amendment #10). Motion failed as follows: (28-69)

Representative Cobb moved SB 390, second reading copy, be further amended (amendment #11). Motion failed as follows: (42-54)

Motion to concur in SB 390, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Barnhart, Carey, Cobb, Dowell, Ellingson, Ewer, Harper, Heavy Runner, Hurdle, McCann, McCulloch, Pease, Peck, Raney, Ream, Sands, Squires, Tropila, Tuss, Whitehead, Wyatt.

Total 21

Voted Absentee: Clark, Aye.

Excused: Hibbard.

Total 1

Absent or not voting: None.

Total 0

SB 396 - Representative Simon moved SB 396 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Cobb, Ellingson, Ewer, Hurdle, Kasten, Raney.

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Total 6

Voted Absentee: Clark, Aye.

Excused: Hibbard.

Total 1

Absent or not voting: None.

Total 0

HB 188 - Representative Denny moved Senate amendments to HB 188 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 94

Noes: Galvin, J. Johnson, Tuss, Wyatt.

Total 4

Voted Absentee: Clark, Aye.

Excused: Hibbard.

Total 1

Absent or not voting: Swanson.

Total 1

HB 13 - Representative Wiseman moved Senate amendments to HB 13 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: Barnhart, Dowell, Ellingson, Feland, Galvin, Grady, Heavy Runner, Tuss, Wyatt.

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Total 9

Voted Absentee: Clark, Aye.

Excused: Hibbard.

Total 1

Absent or not voting: Mood.

Total 1

HB 398 - Representative R. Johnson moved Senate amendments to HB 398 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 94

Noes: Barnhart, Harrington, Wyatt.

Total 3

Voted Absentee: Clark, Aye.

Excused: Hibbard.

Total 1

Absent or not voting: Bergsagel, Ellingson.

Total 2

HB 14 - Representative R. Johnson moved Senate amendments to HB 14 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Rose, Schmidt, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Barnhart, Bohlinger, Carey, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, Pavlovich, Pease, Quilici, Ream, Ryan, Sands, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

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Total 30

Voted Absentee: Clark, Aye.

Excused: Hibbard.

Total 1

Absent or not voting: Simon.

Total 1

HB 5 - Representative Bergsagel moved Senate amendments to HB 5 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Gillan, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Grady, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Pavlovich, Pease, Rose, Sands, Schmidt, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 26

Voted Absentee: Clark, Aye.

Excused: Hibbard.

Total 1

Absent or not voting: Dowell, Mills.

Total 2

HB 131 - Representative Barnett moved the free conference committee report to HB 131 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Arnott, Jore.

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Total 2

Excused: Clark, Hibbard.

Total 2

Absent or not voting: None.

Total 0

HJR 32 - Representative Peck moved HJR 32 do pass.

Representative Hibbard present at this time.

Representative Peck moved HJR 32, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 25.

Strike: "education and taxation committees"

2. Page 2, line 10 and 11.

Following: "group of"

Strike: "education" on line 10 through "taxation" on line 11

3. Page 2, line 12.

Following: "well as"

Insert: "individuals"

Strike: "education" on line 12 through "taxation" on line 13

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Clark.

Total 1

Absent or not voting: Devaney, Grinde.

Total 2

Motion that HJR 32 do pass, as amended, carried as follows:

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Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 84

Noes: Adams, Boharski, Curtiss, Devaney, Ewer, Harper, Jore, Orr, Prouse, Vick, Wagner, Wells.
Total 12

Excused: Clark.
Total 1

Absent or not voting: Molnar, Sliter, Tuss.
Total 3

SB 48 - Representative R. Johnson moved the free conference committee report to SB 48 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.
Total 90

Noes: Bergman, Carey, Ewer, Harper, Hurdle, Tuss.
Total 6

Voted Absentee: Clark, Aye.

Excused: None.
Total 0

Absent or not voting: Boharski, Jore, Marshall, Mr. Speaker.
Total 4

HB 29 - Representative Bohlinger moved Senate amendments to HB 29 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore,

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Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Clark, Mood, Rehbein, Squires.

Total 4

Voted Absentee: Clark, No.

Excused: None.

Total 0

Absent or not voting: Wyatt.

Total 1

HB 49 - Representative Ellis moved Senate amendments to HB 49 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Cocchiarella, Ellingson, Galvin, Gillan, Harrington, Krenzler, Pavlovich, Wyatt.

Total 8

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Whitehead.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved that the Committee of the Whole report be adopted. Report adopted. (82-15)

Representative Bergsagel excused at this time.

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 524 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 64

Noes: Barnhart, Brainard, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Keenan, Kottel, Krenzler, McCulloch, Menahan, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 34

Voted Absentee: Bergsagel, Aye.

Excused: Clark.
Total 1

Absent or not voting: Simpkins.
Total 1

HB 554 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Voted Absentee: Bergsagel, Aye.

Excused: Clark.
Total 1

Absent or not voting: None.

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Total 0

HB 559 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Pavlovich, Quilici, Tropila.

Total 3

Voted Absentee: Bergsagel, Aye.

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

HB 139 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Adams, Arnott, Bankhead, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Feland, Grinde, Hayne, Jore, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Sliter, Tuss, Wagner, Wells.

Total 22

Voted Absentee: Bergsagel, Aye.

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

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HJR 27 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Ream, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 74

Noes: Ahner, Barnhart, Boharski, Carey, Dowell, Ellingson, Ewer, Gillan, Harper, Harrington, Heavy Runner, Hurdle, Kottel, Menahan, Molnar, Peck, Raney, Ryan, Sands, Swanson, Tuss, Vick, Wagner, Whitehead, Wyatt.
Total 25

Voted Absentee: Bergsagel, Aye.

Excused: Clark.
Total 1

Absent or not voting: None.
Total 0

HB 100 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Bookout, Brainard, Denny, Hurdle, Kasten, Mood, Ryan, Tropila.
Total 8

Voted Absentee: Bergsagel, Aye.

Excused: Clark.
Total 1

Absent or not voting: Tuss.
Total 1

HB 163 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout,

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Carey, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Arnott, Boharski, Brainard, Curtiss, Devaney, Jore, Keenan, Molnar, Prouse, Rehbein, Story, Trexler, Wagner, Wells.

Total 15

Voted Absentee: Bergsagel, Aye.

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

HB 561 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 92

Noes: Arnott, Jore, Keenan, Peck, Wyatt.

Total 5

Voted Absentee: Bergsagel, Aye.

Excused: Clark.

Total 1

Absent or not voting: Gillan, Tuss.

Total 2

HB 598 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington,

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Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Arnott, DeBruycker, Jore, Kasten, Keenan, Molnar, Vick, Wagner.

Total 8

Voted Absentee: Bergsagel, Aye.

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

SB 300 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Hagener, Hurdle, Peck.

Total 4

Voted Absentee: Bergsagel, Aye.

Excused: Clark.

Total 1

Absent or not voting: Adams, McGee.

Total 2

SB 386 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee,

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Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Peck.
Total 1

Voted Absentee: Bergsagel, Aye.

Excused: Clark.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 398**. Motion carried.

Mr. Speaker appointed the following members:

Representative R. Johnson, Chairman
Representative Kasten
Representative J. Johnson

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 13**. Motion carried.

Mr. Speaker appointed the following members:

Representative Wiseman, Chairman
Representative DeBruycker
Representative Menahan

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 14**. Motion carried.

Mr. Speaker appointed the following members:

Representative R. Johnson, Chairman
Representative Keenan
Representative McCann

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 188**. Motion carried.

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Mr. Speaker appointed the following members:

Representative Grady, Chairman
Representative Denny
Representative Quilici

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 5**. Motion carried.

Mr. Speaker appointed the following members:

Representative Vick, Chairman
Representative Holland
Representative Peck

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 252**. Motion carried.

Mr. Speaker appointed the following members:

Representative Simon, Chairman
Representative Cocchiarella
Representative Molnar

REPORTS OF STANDING COMMITTEES

JUDICIARY (Clark, Chairman):
SB 374, be amended as follows:

4/15/97

1. Title, line 7.
Strike: the second ", "
Insert: "AND"
2. Title, lines 8 and 9.
Strike: ", AND A" on line 8 through "HIRES" on line 9
3. Title, line 11.
Strike: "AVAILABILITY OF SOCIAL SECURITY NUMBERS,"
4. Title, lines 19 and 20.
Strike: "37-1-307" on line 19 through "40-4-105," on line 20
Strike: "40-5-158," on line 20
5. Title, line 21.
Strike: "40-5-186,"
6. Title, line 23.
Following: "40-5-271,"

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Insert: "40-5-273,"

7. Title, line 27.

Strike: "50-15-403,"

Strike: "61-5-107,"

8. Title, line 28.

Strike: "RETROACTIVE APPLICABILITY"

Insert: "CONTINGENT TERMINATION"

9. Page 2, lines 2 and 3.

Strike: "11" on line 2 through "15" on line 3

Insert: "13]"

10. Page 2, line 14.

Strike: "11]"

Insert: "9]"

11. Page 2, lines 16 and 17.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

12. Page 2, lines 20 through 26.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

13. Page 3, line 13.

Strike: subsection (8) in its entirety

Renumber: subsequent subsections

14. Page 3, lines 23 through 26.

Strike: subsection (12) in its entirety

Renumber: subsequent subsections

15. Page 5, lines 7 through 11.

Strike: subsection (8) in its entirety

Renumber: subsequent subsections

16. Page 6, line 8.

Strike: "11" through "15"

Insert: "13]"

17. Page 6, line 14.

Strike: "ADEQUATELY PROVIDES FOR"

Insert: "maximizes"

18. Page 6, lines 15 and 16.

Strike: "11" on line 15 through "15" on line 16

Insert: "13]"

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19. Page 6, line 26.

Strike: "social security number, other"

20. Page 6, line 28.

Strike: "social security number, if any,"

21. Page 9, line 23.

Following: "obligation"

Insert: "unless the payment is verified by the department to its satisfaction"

22. Page 12, line 23.

Strike: "11]"

Insert: "9]"

Strike: "accuracy"

Insert: "authenticity"

23. Page 12, line 26 through line 30 of page 13.

Strike: section 9 in its entirety

Renumber: subsequent sections

24. Page 14, lines 3 and 4.

Strike: "and the" on line 3 through "department" on line 4

25. Page 14, line 22 through line 1 of page 17.

Strike: section 11 in its entirety

Renumber: subsequent sections

26. Page 18, line 5.

Following: "obligor"

Insert: "and, if the employer elects under subsection (3) to forward the funds to the department for distribution, to the department"

27. Page 18, line 12.

Strike: the second "and"

Insert: "the funds and either"

28. Page 18, line 13.

Following: "funds"

Insert: "or forward the funds to the department to be distributed by the department"

29. Page 19, line 28.

Strike: "13]"

Insert: "11]"

30. Page 21, line 27.

Strike: "14]"

Insert: "12]"

31. Page 22, line 28.

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Strike: "15]"

Insert: "13]"

32. Page 24, line 13 through line 18 of page 26.

Strike: sections 22 through 24 in their entirety

Renumber: subsequent sections

33. Page 27, line 23.

Strike: "11]"

Insert: "9]"

34. Page 28, line 24.

Strike: "social security number,"

35. Page 29, line 3.

Insert: "(b) The court shall keep the information provided under subsection (6)(a) confidential except that the information may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.

Renumber: subsequent subsection

36. Page 30, line 3.

Insert: "(9) A judgment, decree, or order that establishes or modifies a child support obligation must include a provision that if a parent or guardian is the obligee under a child support order and is obligated to pay a contribution for the same child under 41-3-406, 41-5-403, or 41-5-523, the parent or guardian assigns and transfers to the department of public health and human services all rights that the parent or guardian may have to child support that are not otherwise assigned under 53-2-613."

37. Page 35, line 19 through line 10 of page 36.

Strike: section 30 in its entirety

Renumber: subsequent sections

38. Page 36, line 23.

Following: "law"

Insert: "or procedure"

39. Page 36, line 25.

Following: "law"

Insert: "or procedure"

40. Page 39, line 13.

Strike: "this" through "registration"

Insert: "40-5-184 through 40-5-195"

41. Page 39, lines 19 through 25.

Strike: section 36 in its entirety

Renumber: subsequent sections

42. Page 40, line 7.

Following: "~~of the~~"

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Insert: "the date of mailing or personal service of the"

43. Page 41, line 4.

Strike: "[section 10]"

Insert: "subsection (5)"

44. Page 41, line 27.

Insert: "(5)(a) If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and modify the issuing state's child support order in a proceeding to register that order.

(b) A tribunal of this state exercising jurisdiction under subsection (5)(a) shall apply the provisions of 40-5-103, 40-5-143 through 40-5-152, 40-5-181, and 40-5-184 through 40-5-195 to the enforcement or modification proceeding. The remaining sections of this part do not apply."

Renumber: subsequent subsections

45. Page 46, line 10.

Strike: "The"

Insert: "During or in anticipation of a delinquency, enforcement, or modification proceeding, a proceeding to establish child or medical support or paternity, an attempt to locate an obligor, or a contested case, the"

46. Page 46, line 17.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections

47. Page 46, line 26.

Following: "agency"

Insert: "during or in anticipation of a delinquency, enforcement, or modification proceeding, a proceeding to establish child or medical support or paternity, an attempt to locate an obligor, or a contested case"

48. Page 51, line 26.

Strike: "obligor may seek a"

Insert: "obligee shall"

Strike: "from"

Insert: "to"

Strike: "obligee for"

Insert: "obligor"

Following: "any"

Insert: "improper"

49. Page 51, line 27.

Following: "order"

Insert: ", plus any costs the obligee incurs in recovering the amount to be refunded"

50. Page 53, line 25.

Following: "determination."

Insert: "However, the default order may not be for more than the support requested in the notice unless the hearings officer finds that the evidence requires a larger amount."

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51. Page 54, line 26.

Strike: "111"

Insert: "9]"

52. Page 55, line 28.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

53. Page 56, line 12.

Insert: "(c) The department shall keep the information provided under subsection (12)(a) confidential except as necessary for purposes of Title IV-D of the Social Security Act."

54. Page 57, lines 10 through 12.

Strike: "; or" on line 10 through "department" on line 12

55. Page 57, line 13.

Strike: "An"

Insert: "Before initiating a contempt proceeding, the department shall give the alleged contemnor notice by personal service or certified mail of the alleged infraction and a reasonable opportunity to comply with the law and to cure the alleged infraction. In order to initiate a contempt proceeding, an"

56. Page 59, line 9.

Strike: "alleged father"

Insert: "parents"

57. Page 61, lines 21 and 22.

Strike: "and" on line 21 through "hearing" on line 22

58. Page 63, line 18.

Strike: "The" through "jury."

59. Page 64, line 18.

Following: "department."

Insert: "The alleged father's advance payment must be returned to the alleged father if the test does not produce evidence of the alleged father's paternity."

60. Page 67, line 17.

Following: "notice"

Insert: "by personal service or certified mail"

61. Page 69, lines 4 and 5.

Strike: the second "and" on line 4 through "hearing" on line 5

62. Page 69, line 7.

Insert: "Section 50. Section 40-5-273, MCA, is amended to read:

"40-5-273. Administrative review of child support orders -- modifying orders. (1) A review application setting forth facts meeting any of the criteria for review of a child support order established in 40-5-272 must be scheduled for an administrative hearing, and a hearings officer must be appointed by the department. Unless the hearings officer determines under rules of the department that an in-person hearing

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is necessary, the hearing must be conducted by telephone conference. The order scheduling the hearing must be served on the obligor and the obligee at least 60 days before the hearing. The order must include the following information as an exception to 2-4-601:

- (a) the date and time for the hearing and, if appropriate, the place for the hearing;
 - (b) a statement of the purpose, objectives, and possible consequences of the review;
 - (c) a statement of the right of the obligor and the obligee to request the hearings officer to issue subpoenas compelling the appearance of witnesses and the production of documents for the hearing; and
 - (d) a requirement that the obligor and the obligee provide the hearings officer with telephone numbers at which they and their witnesses may be contacted for the hearing.
- (2) The hearings officer may issue an order commanding the obligor or the obligee, or both, to produce financial information. The order must be personally served with the order scheduling the hearing. The hearings officer may also issue subpoenas ordering the department or other parties to produce information in their possession about the obligor and the obligee that may be reasonably necessary for application of the guidelines. Any information so obtained by the hearings officer must be provided to the department and other parties prior to the hearing.
- (3) The requested modification of the order must be determined on the evidence submitted to the hearings officer under the following conditions:
- (a) If an applicant other than the department fails to provide a telephone number for the hearing or fails to be at the number provided when telephoned for the hearing, the failure is considered a withdrawal of the application.
 - (b) If a party other than the applicant fails to provide a telephone number for the hearing or fails to be at the number provided when telephoned for the hearing, the failure is considered to mean that the party does not oppose the modification.
 - (c) If the department is the applicant and if either the obligor or the obligee, or both, fails to provide a telephone number for the hearing or fails to be at the number provided when telephoned for the hearing, the failure is considered an admission that the party or parties do not oppose the modification.
- (4) An order entered under the circumstances described in subsection (3)(a), (3)(b), or (3)(c) becomes final within 10 days of issuance unless a party provides the hearings officer an affidavit showing good cause for failure to provide a telephone number or failure to be available for the hearing when telephoned.
- (5) A provision of law may not be construed to mean that an obligor or an obligee is a client of the department, and the department is not considered a party to the action.
- (6) (a) In addition to the powers and duties provided by other law, the hearings officer shall, to ensure the equitable determination of a support obligation, during a review hearing:
- (i) question witnesses in a nonadversarial manner to elicit full disclosure of all pertinent facts;
 - (ii) introduce evidence on behalf of the parties;
 - (iii) apply the guidelines to the facts elicited from the hearing; and
 - (iv) inquire as to any circumstances that may require variance from the guidelines.
- (b) If a party is represented by legal counsel, the hearings officer may allow the counsel to present that party's case.
- (7) The hearings officer shall determine a support obligation in accordance with the guidelines and shall issue a modifying order. If the hearings officer determines that the difference between the existing support order and the amount determined under the guidelines is negligible under rules issued by the department, the modifying order may not change the amount of the support obligation. Even though the review may indicate that a modification of the support obligation is appropriate, the department may not modify the support order if the hearings officer determines, after the review hearing, that to do so would not be in the best interests of the child under the rules issued by the department. An increase in child support is presumed to be in the best interests of the child unless, after a review hearing, either the obligor or the obligee demonstrates it would not be in the best interests of the child. The modifying order must ~~prospectively~~ modify the underlying support order from the date of service of the order scheduling the

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hearing and may modify the underlying order from the date found to be the date that the amount required for support decreased. The obligee may be ordered to repay the obligor for any support amount overpayment found to have been paid since the date that the amount required for support decreased. If the case is a IV-D case, the department shall, on request of the obligor, enforce the obligee's repayment of the overpaid amount using any procedure provided in this chapter for payment, enforcement, and collection of child support or a delinquency.

(8) The hearings officer shall make a written determination whether health insurance is available to the child of the obligor through the obligor's employment or other group insurance. If the hearings officer determines health insurance is available to the child of the obligor, the hearings officer shall issue a modifying order that requires the obligor to obtain and keep health insurance for the child. If the hearings officer determines that health insurance is not available to the child of the obligor, ~~he~~ the hearings officer shall issue a modifying order containing the notices provided in subsection (9). An order to provide health insurance is presumed to be in the best interests of the child unless, after a review hearing, either the obligor or the obligee demonstrates it would not be in the best interests of the child.

(9) In addition to complying with other requirements of law, the modifying order must include the following notices and warnings:

(a) that the obligor shall keep the department informed of the name and address of ~~his~~ the obligor's current employer and information on health insurance available to the obligor through the obligor's employment or other group insurance;

(b) that the obligor shall obtain and keep health insurance for the child of the obligor whenever it is available through the obligor's employment or other group insurance; and

(c) that the modifying order is subject to future administrative review and modification by the department upon the request of the department or a party under 40-5-271 through 40-5-273 when the department is providing services under IV-D.

(10) Orders entered under this section are final agency decisions, subject to judicial review pursuant to the Montana Administrative Procedure Act. All orders entered under this section must notify the parties that the order is subject to judicial review under Title 2, chapter 4, part 7.

(11) The parties to the support order and the department when it is providing services under IV-D may enforce the support order or modify that order independently, as provided in 40-4-208 and 53-2-613(4)(d)."

Renumber: subsequent sections

63. Page 70, lines 2 and 3.

Strike: "or" on line 2 through "entity," on line 3

64. Page 70, line 9.

Strike: "beginning on the day"

Insert: "if"

65. Page 70, line 10.

Following: "support"

Insert: ", a person or entity referred to in subsection (2) notifies the obligor that income withholding will be initiated if the delinquent amount is not paid within 8 days of receipt of the notice, and the obligor does not pay the delinquent amount within that time. Notification that income withholding will be initiated if a delinquency is not paid within 8 days of receipt of the notice is not necessary if such a notice was given for a prior delinquency and the prior delinquency in fact existed"

66. Page 70, line 16.

Strike: "who" through "delinquent"

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67. Page 70, line 17.

Strike: "A TEMPORARY"

Insert: "an"

Strike: "provided for in 40-5-308"

68. Page 73, line 21.

Following: "determines"

Insert: "that there was a prior income-deduction order for a delinquency that in fact existed or that"

69. Page 76, line 2.

Following: "who"

Insert: "purposely and"

70. Page 76, line 13.

Strike: "under 40-5-308"

71. Page 76, line 14.

Strike: ", regardless" through "delinquency"

72. Page 77, line 3.

Strike: "provided for by 40-5-308"

73. Page 77, line 13.

Following: "If"

Insert: "a deduction order is not for the full amount of each support payment and"

Following: "occurs"

Insert: "in the amount of one or more payments that are not paid by income withholding"

74. Page 79, line 26.

Following: "delinquent,"

Insert: "the department may notify the obligor that income withholding will be initiated if the delinquent amount is not received within 8 days of receipt of the notice. If the obligor does not pay the delinquent amount within that time,"

75. Page 79, line 27.

Following: "payor,"

Insert: "Notification that income withholding will be initiated if the delinquent amount is not received within 8 days of receipt of the notice is not necessary if such a notice was given for a prior delinquency and the prior delinquency in fact existed."

76. Page 80, line 24.

Strike: "intent to withhold"

Following: "income"

Insert: "withholding"

77. Page 81, line 24.

Strike: "intent to withhold"

Following: "income"

Insert: "withholding"

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78. Page 82, lines 6 and 7.

Strike: "OR" on line 6 through "hearing" on line 7

79. Page 83, line 4.

Following: "arrear"

Insert: "or if there was a prior order that is no longer in effect for a delinquency that in fact existed"

80. Page 83, lines 9 and 10.

Strike: "was served" on line 9 through "income" on line 10

Insert: "became delinquent"

81. Page 83, line 13.

Strike: "INTENT TO WITHHOLD"

Following: "INCOME"

Insert: "withholding"

82. Page 83, lines 21 and 22.

Strike: "intent" on line 21 through "withhold" on line 22

Insert: "income withholding"

83. Page 83, line 25.

Following: "order to"

Insert: "continue to"

84. Page 85, line 2.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

85. Page 85, line 15.

Insert: "(4) The requester shall keep the information provided under subsection (1) confidential except for purposes of Title IV-D of the Social Security Act."

86. Page 87, line 1.

Strike: the first ", "

Insert: "and"

Strike: ", and," through "obligor" on line 2

87. Page 89, line 30.

Strike: "denying"

Insert: "making good faith efforts to deny"

88. Page 96, line 3.

Strike: "The" through "jury."

89. Page 98, line 21.

Strike: "111"

Insert: "9]"

90. Page 99, line 16.

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Strike: subsection (ii) in its entirety
Renumber: subsequent subsections

91. Page 100, lines 8 and 9.
Strike: subsection (11) in its entirety

92. Page 103, line 26 through line 7 of page 104.
Strike: section 94 in its entirety
Renumber: subsequent sections

93. Page 105, line 28 through line 19 of page 106.
Strike: section 96 in its entirety
Renumber: subsequent sections

94. Page 111, line 9.

Insert: "NEW SECTION. Section 91. Report to legislature. The department of public health and human services shall report to the regular session of the 56th legislature on progress toward resolving child support issues between the state, federal, and tribal governments.

Renumber: subsequent sections

95. Page 111, line 10 and line 12.
Strike: "11]"
Insert: "9]"

96. Page 111, line 13 and line 14
Strike: "12]"
Insert: "10]"

97. Page 111, line 15 and line 16.
Strike: "13]"
Insert: "11]"

98. Page 111, line 17 and line 18.
Strike: "14]"
Insert: "12]"

99. Page 111, line 19 and line 20.
Strike: "15]"
Insert: "13]"

100. Page 111, line 21.

Insert: "NEW SECTION. Section 93. Coordination instruction. If House Bill No. 168 is passed and approved and if it includes the words "or upon a showing that the party's case was substantially prejudiced by the lack of an in-person hearing" or similar language in amendments to the following MCA sections, then that language is stricken from those sections:

17-4-105(4)(c)

40-5-189(1)

40-5-226(2)

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40-5-414(3)
40-5-703(2)
40-5-824(5)."

Renumber: subsequent sections

101. Page 112, lines 3 and 4.
Strike: section 102 in its entirety
Renumber: subsequent section

102. Page 112, line 8.
Strike: "10,"
Strike: "13"
Insert: "11"

103. Page 112, line 9.
Insert: "NEW SECTION. Section 97. Contingent termination. [This act] terminates on the date of the suspension if the federal government suspends federal payments to this state for this state's child support enforcement program or for one or more of this state's welfare programs because of this state's failure to enact law as required by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996."

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 78
Report No. 1, April 14, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 78 and recommend that House Bill 78 be amended as follows:

1. Page 5, line 5.
Strike: ". "
Insert: ". "

2. Page 5, lines 6 through 9.
Strike: subsections (V) and (VI) in their entirety

3. Page 11, line 23.
Following: "residing"
Insert: "or of retail licensees located"

And this Free Conference Committee report be adopted.

For the House:

For the Senate:

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Simpkins, Chairman
Tropila
Wells

Hertel, Chairman
Grosfield
Wilson

Free Conference Committee
on House Bill 285
Report No. 1, April 14, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 285 and recommend that House Bill 285 be amended as follows:

1. Page 1, line 17.

Strike: "SIX"

Insert: "seven"

2. Page 2, line 3.

Strike: "FIVE"

Insert: "four"

3. Page 2, lines 6 and 7.

Following: "~~reclamation;~~" on line 6

Strike: "the" on line 6 through "engineers;" on line 7

Insert: "the regional administrator of the United States department of the interior, bureau of reclamation;"

And this Free Conference Committee report be adopted.

For the House:

Wagner, Chairman
Sliter
Harper

For the Senate:

Keating, Chairman
Taylor
Van Valkenburg

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 10:00 a.m., Wednesday, April 16, 1997. Motion carried.

House adjourned at 5:20 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

Page 112, line 2
The following is a list of the
names of the persons who have
been named in the report.

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Page 112, line 2

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**HOUSE JOURNAL
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Helena, Montana
April 16, 1997

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Tropila. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the seventy-ninth legislative day, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/16/97

Correctly printed for second reading: SB 374.

Correctly engrossed for third reading: SB 396, SB 390, HJR 32.

Correctly enrolled: HB 129, HB 168, HB 173, HB 333, HB 344, HB 360, HB 361, HB 371, HB 401, HB 435, HB 518, HB 523, HB 531, HB 546, HB 551, HB 568, HB 6, HB 248, HB 343, HB 508, HB 558, HJR 4, HJR 25, HJR 28, HJR 23, HB 149, HB 203, HB 394, HB 395, HB 399, HJR 27, HB 426, HB 53, HB 100, HB 146, HB 171, HB 598, HB 604, HB 134, HB 287, HB 524, HB 554, HB 559.

Examined by the sponsor and found to be correct: HB 323, HJR 4, HJR 23, HJR 25, HB 129, HB 149, HB 168, HB 173, HB 203, HB 333, HB 344, HB 360, HB 371, HB 399, HB 401, HB 508, HB 518, HB 523, HB 546, HB 558, HB 343, HB 395, HB 531.

Delivered to the Secretary of State at 10:30 a.m., April 16, 1997: HJR 29, HJR 31.

Delivered to the Governor for his approval at 1:25 p.m., April 16, 1997: HB 125, HB 320, HB 65, HB 284, HB 93, HB 468, HB 422, HB 596, HB 44, HB 612, HB 391, HB 234, HB 268, HB 222, HB 4.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill 85
Report No. 1, April 15, 1997

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 85, met and considered Senate Bill 85 in its entirety.

We recommend that Senate Bill 85 be amended as follows:

1. Title, line 25.

Following: "SEATBELTS:"

Insert: "DEFINING "STREET ROD" AND EXEMPTING STREET RODS FROM CERTAIN EQUIPMENT RESTRICTIONS;"

2. Title, line 28.

Strike: "61-9-304, 61-9-305,"

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3. Page 5, line 10.

Strike: "when new"

4. Page 5, line 11.

Strike: "from the vehicle manufacturer"

5. Page 6.

Following: line 10

Insert: "(6) This section does not prohibit a vehicle manufactured prior to 1960 from being equipped with a taillamp that includes within the red cover a center lens that is blue in color."

6. Page 7, line 22.

Strike: "vehicle"

Strike: "or rating"

7. Page 7, line 29.

Strike: "vehicle"

Strike: "or rating"

8. Page 8, lines 3 and 4.

Strike: "having a gross vehicle weight or rating of"

Insert: "weighing"

9. Page 15, line 2.

Strike: "Undercarriage OR"

10. Page 15, line 3.

Following: "EQUIPMENT"

Insert: "or undercarriage decorative lighting that rotates, flashes, or oscillates or that displays a color authorized by this chapter for use by police vehicles and authorized emergency vehicles"

11. Page 15, line 20 through page 16, line 16.

Strike: sections 21 and 22 in their entirety.

Renumber: subsequent sections

12. Page 22, line 21.

Strike: "Only"

Insert: "Except as provided in 61-9-204(6), only"

13. Page 23, line 16.

Strike: "OR DISTORTED"

14. Page 27.

Following: line 18

Insert: "(3) This section does not apply to street rod vehicles; vehicles not originally equipped with fenders, splash aprons, or flaps; or vehicles for which fenders, splash aprons, or flaps were not required by federal law or regulation at the time of manufacture.

(4) For purposes of this section and [section 40], "street rod" means a vehicle manufactured before 1949 that has been modified in body style or design."

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15. Page 32, line 14.

Strike: "properly fitting"

16. Page 34, line 3.

Following: "Bumpers."

Insert: "(1)"

17. Page 34, line 7.

Following: "bumper."

Insert: "(2) This section does not apply to street rod vehicles, as defined in 61-9-407(4), vehicles not originally equipped with front or rear bumpers, or vehicles for which bumpers were not required by federal law or regulation at the time of manufacture."

18. Page 36, lines 12 and 14.

Strike: "42"

Following: "44"

Insert: "40"

And that this Free Conference Committee report be adopted.

For the Senate:

Baer, Chairman

DePratu

Jergeson

For the House:

Jore, Chairman

Wells

Simpson

MESSAGES FROM THE SENATE

The Senate, on 4/14/97, by motion, acceded to the request of the House and dissolved the conference committee on Senate amendments to **HB 389**, and the President was authorized to appoint a free conference committee.

President Aklestad appointed the following members:

Senator Gage, Chairman

Senator Grosfield

Senator Wilson

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/15/97

HB 17, introduced by Pavlovich

HB 166, introduced by Zook

HB 578, introduced by R. Johnson

HB 584, introduced by Knox

HB 610, introduced by Grady

House amendments to Senate bill concurred in:

4/15/97

SB 332, introduced by Miller

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House bill concurred in and returned to the House:

4/15/97

HB 604, introduced by Harper

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 4/15/97

HB 169, introduced by Zook

The Senate, on 4/15/97, by motion, acceded to the request of the House and dissolved the conference committee on Senate amendments to **HB 346**, and the President was authorized to appoint a free conference committee.

President Aklestad appointed the following members:

Senator Holden, Chairman
Senator Estrada
Senator Doherty

The Senate, on 4/15/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 298**.

President Aklestad appointed the following members:

Senator Benedict, Chairman
Senator DePratu
Senator Franklin

The Senate, on 4/15/97, by motion, acceded to the request of the House and dissolved the conference committee on Senate amendments to **HB 122**, and the President was authorized to appoint a free conference committee.

President Aklestad appointed the following members:

Senator Grosfield, Chairman
Senator McNutt
Senator Bartlett

The Senate, on 4/15/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 102**.

President Aklestad appointed the following members:

Senator Jenkins, Chairman
Senator Taylor
Senator Lynch

The Senate, on 4/15/97, acceded to the request of the House and appointed a conference committee to meet with a like committee from the House to confer on **HB 99**.

President Aklestad appointed the following members:

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Senator Mohl, Chairman
Senator Baer
Senator Nelson

The Senate, on 4/15/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 2**.

President Aklestad appointed the following members:

Senator Swysgood, Chairman
Senator Mohl
Senator Nelson

The Senate, on 4/15/97, acceded to the request of the House and appointed a conference committee to meet with a like committee from the House to confer on **HB 252**.

President Aklestad appointed the following members:

Senator Thomas, Chairman
Senator Holden
Senator Bowman Shea

The Senate, on 4/15/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 398**.

President Aklestad appointed the following members:

Senator Taylor, Chairman
Senator Baer
Senator Lynch

The Senate, on 4/15/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 13**.

President Aklestad appointed the following members:

Senator Miller, Chairman
Senator Mahlum
Senator Waterman

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 14, 1997

Dear Representative Mercer:

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Please be informed that I have signed House Bill 156 sponsored by Representative Grady on April 14, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 14, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 216 sponsored by Representative Hibbard et al. on April 14, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 14, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 217 sponsored by Representative Bergsagel on April 14, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 14, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 505 sponsored by Representative Beaudry et al. on April 14, 1997.

Sincerely,

MARC RACICOT
Governor

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The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 14, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 533 sponsored by Representative Devaney et al. on April 14, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 14, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 541 sponsored by Representative Grimes on April 14, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 14, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 566 sponsored by Representative Menahan on April 14, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 14, 1997

Dear Representative Mercer:

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Please be informed that I have signed House Bill 569 sponsored by Representative Squires on April 14, 1997.

Sincerely,

MARC RACICOT
Governor

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Harrington in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 256 - Representative Clark moved the conference committee report to SB 256 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Hurdle, Kasten, Lawson.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 389 - Representative Orr moved SB 389 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCulloch, McGee, Mills, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 72

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Noes: Carey, Cobb, Cocchiarella, Denny, Ellingson, Ewer, Galvin, Gillan, Hagener, Harrington, Heavy Runner, Hibbard, J. Johnson, Krenzler, McCann, Menahan, Pease, Peck, Schmidt, Simon, Story, Tuss, Whitehead, Wyatt.
Total 24

Excused: None.
Total 0

Absent or not voting: Bohlinger, Hurdle, Molnar, Swanson.
Total 4

HB 123 - Representative Simpkins moved Senate amendments to HB 123 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Boharski, Jore, Keenan, Prouse.
Total 4

Excused: None.
Total 0

Absent or not voting: Brainard, Vick.
Total 2

HB 607 - Representative Grinde moved Senate amendments to HB 607 be concurred in. Motion carried as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Mr. Speaker.
Total 88

Noes: Ahner, Barnhart, Ellingson, Hagener, Hurdle, McCann, Pease, Whitehead.
Total 8

Excused: None.
Total 0

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Absent or not voting: Grinde, Hayne, Sliter, Zook.

Total 4

HB 27 - Representative Simon moved the conference committee report to HB 27 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Cobb.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 117 - Representative Pavlovich moved the conference committee report to HB 117 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 94

Noes: Arnott, Cobb, Peck, Wyatt.

Total 4

Excused: None.

Total 0

Absent or not voting: Ewer, Grimes.

Total 2

HB 78 - Representative Simpkins moved the free conference committee report to HB 78 be adopted. Motion carried

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as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Adams, Arnott, Boharski, Jore, Keenan, Prouse, Vick.

Total 7

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

HB 285 - Representative Sliter moved the free conference committee report to HB 285 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, Kasten, Kitzenberg, Knox, Kottel, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Adams, Arnott, Barnhart, Bergsagel, Ellingson, Galvin, Gillan, Heavy Runner, Hurdle, R. Johnson, Jore, Keenan, Krenzler, Masolo, Orr, Pease, Peck, Tuss, Wells, Wyatt.

Total 20

Excused: None.

Total 0

Absent or not voting: Grimes, Rehbein.

Total 2

SB 374 - Representative Soft moved SB 374 be concurred in.

Representative Molnar moved SB 374, second reading copy, be amended as follows (amendment #1):

1. Title.

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Following: line 18

Insert: "ESTABLISHING AN INTERIM COMMITTEE TO STUDY THE CHILD SUPPORT SYSTEM;
PROVIDING AN APPROPRIATION FOR THE ACTIVITIES OF THE COMMITTEE;"

2. Page 116.

Following: line 16

Insert: "NEW SECTION. Section 92. Interim study -- members -- report to legislature. (1) There is a committee on child support and child support enforcement. The duties of the committee include:

- (a) studying the child support system, including child support issues between the state, federal, and tribal governments;
- (b) presenting a plan to provide for as many voluntary payment options as possible; and
- (c) presenting a plan for a method to minimize the impact on employers of persons from whom child support is withheld; and (d) study the possibility of privatizing child support collection.

(2) The committee consists of 13 members, appointed as follows:

- (a) two members of the house of representatives, appointed by the speaker, each from a different political party;
- (b) two members of the senate, appointed by the committee on committees, each from a different political party;
- (c) one district court judge with experience in both legislative and family court matters, appointed by the chief justice of the supreme court;
- (d) one owner of a small- to medium-size business, appointed by the governor;
- (e) two people who are currently paying child support, appointed by the governor;
- (f) two people who are currently receiving child support, appointed by the governor;
- (g) two people who are currently involved in privately collecting child support payments, appointed by the governor; and
- (h) one person, who is a nonvoting member, from the child support enforcement division of the department of public health and human services, appointed by the director of the department.

(3) The committee shall elect a presiding officer from among its members and may elect other officers.

(4)(a) The legislators appointed to the committee are entitled to compensation and reimbursement of expenses as provided in 5-2-302.

(b) All other members are entitled to reimbursement in the same manner as employees are reimbursed under 2-18-501 through 2-18-503.

(5) The committee may receive staff support from the department of public health and human services and, to the extent that staff are available, from the legislative services division and legislative fiscal division.

(6) The committee shall report its findings, conclusions, and recommendations, including drafts of suggested legislation, if any, to the 56th legislature.

NEW SECTION. Section 93. Appropriation. There is appropriated from the general fund to the legislative services division \$25,000 for the purpose of supporting the activities of the committee on child support and child support enforcement. This is a biennial appropriation."

Renumber: subsequent sections

3. Page 116, line 30.

Following: "INSTRUCTION."

Insert: "(1)"

4. Page 117.

Following: line 10

Insert: "(2) If [this act] is passed and approved and retains the committee established in [section 92] and the

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appropriation for the committee's activities in [section 93], the general fund appropriation in House Bill. No. 2 to the child support enforcement division of the department of public health and human services is reduced by \$12,500 in fiscal year 1998 and by \$12,500 in fiscal year 1999."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Pavlovich, Pease, Peck, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wyatt.
Total 73

Noes: Adams, Arnott, Bankhead, Bergsagel, Curtiss, Devaney, Ellis, Feland, Grady, Grinde, H.S. Hanson, Holland, Jore, Kasten, Keenan, Marshall, Masolo, Ohs, Orr, Prouse, Quilici, Rose, Smith, Vick, Wiseman, Zook.
Total 26

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

Representative Menahan moved for cloture. Motion carried.

Motion to concur in SB 374, as amended, failed as follows:

Ayes: Anderson, Beaudry, Bergsagel, Bohlinger, Clark, Cocchiarella, Devaney, Ellis, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, R. Johnson, Knox, Lawson, Marshall, Masolo, McGee, Mood, Ohs, Pease, Ream, Rose, Sands, Soft, Story, Stovall, Tash, Trexler, Wiseman, Zook, Mr. Speaker.
Total 36

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bitney, Boharski, Bookout, Brainard, Carey, Cobb, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Hagener, Harper, Heavy Runner, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, McCann, McCulloch, Menahan, Mills, Molnar, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Swanson, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt.
Total 64

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Harrington moved that the Committee of the Whole report be adopted. Report adopted. (91-5)

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MOTIONS

SB 389 - Representative McCann moved the House reconsider its action on SB 389 taken on second reading this legislative day. Motion carried.

Representative Walters moved the rules be suspended to permit the late drafting and introduction of a resolution. Motion failed due to 2/3 vote requirement. (55-43)

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 298
Report No. 1, April 16, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 298 and recommend that House Bill 298 be amended as follows:

1. Page 2, lines 12 and 13.

Strike: "THE DEPARTMENT SHALL PROVIDE FOR ANY REQUIRED MATCHING FUNDS"

Insert: "Any matching funds required from the state general fund may be provided"

2. Page 2, lines 14 through 17.

Strike: "PRIOR TO" on line 14 through "REQUIREMENTS" on line 17

And this Free Conference Committee report be adopted.

For the House:

R. Johnson, Chairman
Grimes
Squires

For the Senate:

Benedict, Chairman
DePratu
Franklin

Conference Committee
on Senate Bill 44
Report No. 1, April 16, 1997

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 44, met and considered the amendments on the House Standing Committee report dated March 14, 1997.

We recommend that Senate Bill 44 be amended as follows:

1. Page 1, line 14.

Strike: "OR"

Insert: ", "

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2. Page 1, line 15.

Following: "paid"

Insert: ", or the number of separate premiums paid"

3. Page 2, lines 1 through 3.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

And that this Conference Committee report be adopted.

For the Senate:

Holden, Chairman
Crippen

For the House:

Anderson, Chairman
McGee

Conference Committee
on Senate Bill 207
Report No. 1, April 16, 1997

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 207, met and considered the House Committee of the Whole amendments dated April 7, 1997.

We recommend that Senate Bill 207 be amended as follows:

1. Page 2, lines 11 and 12.

Following: "20-9-428"

Strike: remainder of line 11 through "PROPOSITION" on line 12

And that this Conference Committee report be adopted.

For the Senate:

Beck, Chairman
Jabs
Lynch

For the House:

Arnott, Chairman
Bankhead
Hagener

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House recess until 3:00 p.m. Motion carried.

House recessed at 11:44 a.m.

House reconvened at 3:00 p.m. Mr. Speaker in the Chair.

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Roll call. All members present. Quorum present.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 4/16/97

HB 434, introduced by Hibbard
HB 536, introduced by Bohlinger
HB 555, introduced by Simpkins
HB 591, introduced by Arnott
HB 615, introduced by Cobb

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/16/97

HB 210, introduced by Hayne
HB 599, introduced by Bankhead

Free conference committee report #1 adopted: 4/16/97

HB 131, introduced by Simon

Conference committee report #1 adopted: 4/16/97

HB 27, introduced by Simon
HB 117, introduced by Pavlovich

House amendments to Senate bills concurred in: 4/16/97

SB 19, introduced by Gage
SB 84, introduced by Jergeson
SB 97, introduced by Grosfield
SB 173, introduced by McNutt
SB 269, introduced by Bartlett
SB 315, introduced by McCarthy
SB 338, introduced by Grosfield
SB 377, introduced by Grosfield

House amendments to Senate joint resolution concurred in: 4/16/97

SJR 16, introduced by Bowman Shea

Conference committee report #1 adopted: 4/16/97

SB 296, introduced by Jergeson

Free conference committee report #1 adopted: 4/16/97

SB 61, introduced by Keating

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Governor's amendments to Senate bill concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/16/97

SB 51, introduced by Hertel

The Senate, on 4/16/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 188**.

President Aklestad appointed the following members:

Senator Keating, Chairman
Senator Cole
Senator Stang

The Senate, on 4/16/97, by motion, acceded to the request of the House and dissolved the conference committee on Senate amendments to **HB 345**, and the President was authorized to appoint a free conference committee.

President Aklestad appointed the following members:

Senator Keating, Chairman
Senator Thomas
Senator Wilson

Representative Grinde moved the House recess until 4:00 p.m. Motion carried.

House recessed at 3:05 p.m.

House reconvened at 4:09 p.m. Mr. Speaker in the Chair.

Roll call. All members present. Quorum present.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 102
Report No. 1, April 16, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 102 and recommend that House Bill 102 be amended as follows:

1. Page 2, line 26.

Strike: "punish"

Insert: "include punishing"

2. Page 3, line 11.

Strike: "COURT-ORDERED"

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And this Free Conference Committee report be adopted.

For the House:

Feland, Chairman
Beaudry
Menahan

For the Senate:

Jenkins, Chairman
Taylor
Lynch

Free Conference Committee
on House Bill 164
Report No. 1, April 16, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 164 and recommend that House Bill 164 be amended as follows:

1. Page 10, line 16.

Strike: "and corporations or other business entities"

2. Page 10, lines 19 and 26.

Strike: ", corporations, or other business entities" in 2 places

3. Page 10, line 29.

Following: "person"

Strike: the remainder of line 29 in its entirety

4. Page 11, lines 11 and 12.

Following: "person" on line 11

Strike: the remainder of line 11 through "that" on line 12

Insert: "who"

5. Page 15, lines 13 and 14.

Following: "person" on line 13

Strike: the remainder of line 13 through "that" on line 14

Insert: "who"

6. Page 15, line 15.

Following: "person's"

Strike: the remainder of line 15 in its entirety

And this Free Conference Committee report be adopted.

For the House:

Marshall, Chairman
Tuss
Bitney

For the Senate:

Hertel, Chairman
Emerson
McCarthy

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Free Conference Committee
on House Bill 339
Report No. 1, April 16, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 339 April 16, 1997 and recommend that, Senate Committee on Judiciary amendments to the third reading copy, dated March 15, 1997, be adopted.

And this Free Conference Committee report be adopted.

For the House:

Grimes, Chairman
Carey
Tash

For the Senate:

Crippen, Chairman
Jabs
Halligan

Free Conference Committee
on House Bill 388
Report No. 1, April 16, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 388 and recommend that House Bill 388 be amended as follows:

1. Page 3, following line 2.

Insert: "(d) The initial written consent by a county to an extended municipal jurisdiction area must disclose the scope of the building codes to be enforced, the type of structures to be subject to the building codes, and the schedule of fees to be charged for permits. If after the county's initial written consent, the municipality wishes to change either the scope of the building codes enforced or the type of structures covered, the changes must first be approved in writing by the county. Unapproved changes result in the rescission of the county approval of the extended municipal jurisdiction area."

2. Page 4, line 4.

Strike: "or"

3. Page 4, line 5.

Following: "(c)"

Strike: "industrial process"

Insert: "petroleum refineries and pulp and paper mills, except a structure classified under chapter 7, section 701, group B, division 2, and chapter 9, section 901, group H, outside of process units, of the 1991 edition of the Uniform Building Code; or"

4. Page 4, line 14.

Following: "beverages"

Insert: "(d) industrial process"

5. Page 6, line 15.

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Strike: "PROGRAMS"
Insert: "proprietary funds"

6. Page 6, line 17.
Strike: the first "PROGRAM"
Insert: "proprietary fund"

7. Page 8, lines 14 and 15.
Strike: "OR" on line 14 through "MUNICIPALITY" ON LINE 15

And this Free Conference Committee report be adopted.

For the House:

H. Hanson, Chairman
Simon
Wyatt

For the Senate:

Crismore, Chairman
Bowman Shea

Conference Committee
on Senate Bill 71
Report No. 1, April 16, 1997

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 71, met and considered the House Standing Committee amendments.

We recommend that Senate Bill 71 be amended as follows:

1. Page 1, lines 19 through 30.
Strike: statement of intent in its entirety
2. Page 2, line 3 through page 3, line 7.
Strike: section 1 in its entirety
Renumber: subsequent sections
3. Page 3, lines 12 and 13.
Strike: " " on line 12 through "(a)" on line 13
4. Page 3, line 14.
Following: "sufficient"
Insert: " ,"
5. Page 3, line 15.
Strike: " " "
Insert: " ,"
6. Page 3, line 16.
Strike: "(b)"

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7. Page 3, lines 17 through 25.

Strike: ",_," on line 17 through "education" on line 25

8. Page 4, lines 5 and 6.

Strike: ",_or" on line 5 through "(1)(c)" on line 6

9. Page 12, line 11.

Strike: "[SECTIONS 1 AND 3 THROUGH 12] ARE"

Insert: "[This act] is"

10. Page 12, lines 13 through 15.

Strike: "(2)" on line 13 through "1999." on line 15

And that this Conference Committee report be adopted.

For the Senate:

Toews, Chairman

Jenkins

Bowman Shea

For the House:

Rose

Hurdle

Free Conference Committee
on Senate Bill 85
Report No. 2, April 16, 1997

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 85, met and considered Senate Bill 85 in its entirety.

We recommend that Senate Bill 85 be amended as follows:

1. Title, line 25.

Following: "SEATBELTS."

Insert: "DEFINING "STREET ROD" AND EXEMPTING STREET RODS FROM CERTAIN EQUIPMENT
RESTRICTIONS;"

2. Title, line 28.

Strike: "61-9-304, 61-9-305,"

3. Page 5, line 10.

Strike: "when new"

4. Page 5, line 11.

Strike: "from the vehicle manufacturer"

5. Page 6.

Following: line 10

Insert: "(6) This section does not prohibit a vehicle manufactured prior to 1960 from being equipped with a
taillamp that includes within the red cover a center lens that is blue in color."

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6. Page 7, line 22.

Strike: "vehicle"

Strike: "or rating"

7. Page 7, line 29.

Strike: "vehicle"

Strike: "or rating"

8. Page 8, lines 3 and 4.

Strike: "having a gross vehicle weight or rating of"

Insert: "weighing"

9. Page 15, line 2.

Strike: "Undercarriage OR"

10. Page 15, line 3.

Following: "EQUIPMENT"

Insert: "or undercarriage decorative lighting that rotates, flashes, or oscillates or that displays a color authorized by this chapter for use by police vehicles and authorized emergency vehicles"

11. Page 15, line 20 through page 16, line 16.

Strike: sections 21 and 22 in their entirety.

Renumber: subsequent sections

12. Page 22, line 21.

Strike: "Only"

Insert: "Except as provided in 61-9-204(6), only"

13. Page 23, line 16.

Strike: "OR DISTORTED"

14. Page 26, line 24.

Strike: "motor"

15. Page 27.

Following: line 18

Insert: "(3) This section does not apply to street rod vehicles; motor vehicles not originally equipped with fenders, splash aprons, or flaps; or motor vehicles for which fenders, splash aprons, or flaps were not required by federal law or regulation at the time of manufacture.

(4) For purposes of this section and [section 40], "street rod" means a vehicle manufactured before 1949 that has been modified in body style or design."

16. Page 32, line 14.

Strike: "properly fitting"

17. Page 34, line 3.

Following: "Bumpers."

Insert: "(1)"

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18. Page 34, line 7.

Following: "bumper."

Insert: "(2) This section does not apply to street rod vehicles, as defined in 61-9-407(4), vehicles not originally equipped with front or rear bumpers, or vehicles for which bumpers were not required by federal law or regulation at the time of manufacture."

19. Page 36, lines 12 and 14.

Strike: "42"

Following: "44"

Insert: "40"

And that this Free Conference Committee report be adopted.

For the Senate:

Baer, Chairman
Jergeson
DePratu

For the House:

Jore, Chairman
Simpson
Wells

Conference Committee
on Senate Bill 251
Report No. 1, April 16, 1997

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 251, met and considered the House Committee of the Whole Amendments.

We recommend that Senate Bill 251 be amended as follows:

1. Title, lines 7 through 9.

Following: "ACTIVITIES"

Strike: remainder of line 7 through "WAGES" on line 9

2. Page 7, line 13.

Following: "~~and~~"

Insert: "and"

3. Page 7, line 15

Following: " AND "

Insert: " . "

4. Page 7, lines 16 through 19.

Strike: subsection (H) in its entirety

And that this Conference Committee report be adopted.

For the Senate:

For the House:

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Keating, Chairman
Mahlum
Stang

Mills, Chairman
Taylor
Gillan

MOTIONS

SB 374 - Representative Grinde moved the House reconsider its action on SB 374 taken on second reading this legislative day. Motion carried. (54-41)

SB 367 - Representative Harper moved SB 367 be taken from the table in the Committee on State Administration, printed, and placed on second reading the next legislative day. Motion carried.

HB 345 - Representative Grinde moved the House dissolve the conference committee on HB 345 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 345. Motion carried.

Mr. Speaker appointed the following members:

Representative Masolo, Chairman
Representative Devaney
Representative Ellingson

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 57 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 74

Noes: Adams, Bankhead, Barnhart, Bergman, Bookout, Brainard, DeBruycker, Devaney, Galvin, Grimes, Hagener, Hayne, Hurdle, J. Johnson, Kitzenberg, Masolo, Mills, Orr, Prouse, Rehbein, Simpkins, Simpson, Smith, Walters, Wyatt.
Total 25

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

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SB 372 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Arnott, DeBruycker, Feland, Jore, Vick.

Total 5

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

HB 572 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 61

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Curtiss, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Vick, Whitehead, Wyatt.

Total 38

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

SB 336 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson,

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Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Cobb, DeBruycker, Devaney, Feland, McCann, Orr.

Total 6

Excused: None.

Total 0

Absent or not voting: Bergsagel, Kasten.

Total 2

SB 272 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Gillan, Heavy Runner, Tuss, Wyatt.

Total 4

Excused: None.

Total 0

Absent or not voting: Marshall.

Total 1

SB 382 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McGee, Mills, Mood, Ohs, Orr, Rehbein, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Vick, Wagner, Walters, Wells, Wiseman, Mr. Speaker.

Total 51

Noes: Adams, Arnott, Bankhead, Barnhart, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, Lawson, McCann, McCulloch, Menahan, Molnar, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Trexler, Tropila, Tuss, Whitehead, Wyatt, Zook.

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Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 293 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Masolo, McGee, Mood, Ohs, Orr, Pavlovich, Prouse, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Zook.

Total 58

Noes: Arnott, Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Keenan, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Pease, Peck, Quilici, Raney, Ream, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt, Mr. Speaker.

Total 41

Excused: None.

Total 0

Absent or not voting: Wiseman.

Total 1

SB 354 concurred in as follows:

Ayes: Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 72

Noes: Adams, Ahner, Arnott, Barnett, Bergsagel, Boharski, Brainard, DeBruycker, Denny, Devaney, Grimes, Heavy Runner, Holland, Hurdle, Jore, Kasten, Keenan, Masolo, McGee, Molnar, Orr, Pease, Prouse, Rehbein, Simon, Smith, Wagner, Whitehead.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HB 131, conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Arnott, Bergsagel, DeBruycker, Jore, Keenan, Orr, Rehbein, Vick, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: McGee.

Total 1

HJR 32 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Adams, Arnott, Bergman, Bergsagel, Brainard, Cocchiarella, Curtiss, Denny, Devaney, Feland, Grimes, Grinde, Jore, Keenan, Orr, Prouse, Sliter, Vick, Wagner, Wells.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 390 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin,

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Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Barnhart, Carey, Cobb, Dowell, Ellingson, Ewer, Harper, Heavy Runner, Hurdle, McCann, McCulloch, Pease, Peck, Raney, Ream, Sands, Squires, Tropila, Tuss, Whitehead, Wyatt.

Total 21

Excused: None.

Total 0

Absent or not voting: Hibbard.

Total 1

SB 396 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Barnhart, Carey, Cobb, Ellingson, Ewer, Hurdle, Pease, Peck, Raney, Wyatt.

Total 10

Excused: None.

Total 0

Absent or not voting: Ellis, Hibbard.

Total 2

SB 48, conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 82

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Noes: Adams, Arnott, Brainard, Carey, Clark, Dowell, Ellingson, Ewer, Harper, Hurdle, Jore, Raney, Ream, Rehbein, Sands, Tuss, Wyatt.

Total 17

Excused: None.

Total 0

Absent or not voting: Vick.

Total 1

HB 29 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Ahner, Arnott, Barnett, Bergsagel, Bitney, Boharski, Brainard, Clark, Curtiss, DeBruycker, Devaney, Jore, Kasten, Keenan, McGee, Mood, Orr, Prouse, Rehbein, Sliter, Squires, Story, Vick, Wagner, Wells.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 49 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 87

Noes: Cocchiarella, Gillan, Harrington, Kottel, Krenzler, Menahan, Pavlovich, Ream, Ryan, Squires, Tropila, Tuss, Wyatt.

Total 13

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SB 256, conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bergsagel, Cocchiarella, Feland, Heavy Runner, Hurdle, Jore, Kasten, Keenan, Orr, Prouse, Ream, Rehbein, Vick, Wagner.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 123 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Adams, Arnott, Bergsagel, Brainard, DeBruycker, Feland, Holland, Jore, Kasten, Keenan, Masolo, McCann, McGee, Orr, Prouse, Smith, Vick, Wagner, Wyatt.

Total 19

Excused: None.

Total 0

Absent or not voting: Boharski.

Total 1

HB 607 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski,

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Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Ahner, DeBruycker, Hagener, Heavy Runner, Hurdle, Masolo, McCann, Wagner, Whitehead.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 27, conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Cobb, Curtiss, Grimes, Orr.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 117, conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr.

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Speaker.
Total 89

Noes: Adams, Arnott, Boharski, Brainard, Cobb, Jore, McCann, Orr, Rehbein.
Total 9

Excused: None.
Total 0

Absent or not voting: Harrington, Trexler.
Total 2

HB 78, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 82

Noes: Adams, Arnott, Bergsagel, Boharski, Carey, Devaney, Ellingson, Hurdle, Jore, Kasten, Keenan, Masolo, Molnar, Orr, Peck, Prouse, Vick, Wagner.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 285, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Ohs, Pavlovich, Peck, Prouse, Quilici, Raney, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 72

Noes: Adams, Arnott, Bankhead, Barnhart, Bergsagel, DeBruycker, Galvin, Heavy Runner, Hurdle, R. Johnson, Jore, Kasten, Keenan, Krenzler, Masolo, McGee, Molnar, Mood, Orr, Pease, Ream, Rehbein, Sands, Tuss, Vick, Wagner, Wells, Wyatt.
Total 28

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

HB 135 - Representative Grinde moved the House dissolve the conference committee on HB 135 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 135. Motion carried.

Mr. Speaker appointed the following members:

Representative Boharski, Chairman
Representative Smith
Representative Pease

Representative Simon excused at this time.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Harrington in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 374 - Representative Soft moved SB 374 be concurred in as amended. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Mood, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Wagner, Wells, Wiseman, Zook, Mr. Speaker.
Total 56

Noes: Adams, Arnott, Barnhart, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Hurdle, J. Johnson, Jore, Kottel, Krenzler, McCann, McCulloch, Menahan, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Vick, Walters, Whitehead, Wyatt.
Total 44

Voted Absentee: Simon, Aye.

Excused: None.
Total 0

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Absent or not voting: None.

Total 0

HB 17 - Representative Pavlovich moved Senate amendments to HB 17 be not concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Adams, Arnott, Barnhart, Brainard, Curtiss, Jore, McCann, Molnar, Orr, Peck, Rehbein, Vick.

Total 12

Voted Absentee: Simon, Aye.

Excused: None.

Total 0

Absent or not voting: Ohs.

Total 1

Representative Pavlovich assumed the Chair at this time.

HB 166 - Representative Zook moved Senate amendments to HB 166 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Adams, Arnott, Boharski, Cobb, Jore, McCann, Orr, Peck, Prouse, Rehbein, Vick.

Total 11

Voted Absentee: Simon, Aye.

Excused: None.

Total 0

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Absent or not voting: Grinde.

Total 1

HB 578 - Representative R. Johnson moved Senate amendments to HB 578 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Barnhart, Prouse.

Total 2

Voted Absentee: Simon, Aye.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

HB 584 - Representative Beaudry moved Senate amendments to HB 584 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: DeBruycker, Jore, Krenzler, Orr, Wagner.

Total 5

Voted Absentee: Simon, Aye.

Excused: None.

Total 0

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Absent or not voting: Sliter, Smith, Story.
Total 3

HB 610 - Representative Grady moved Senate amendments to HB 610 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 74

Noes: Adams, Arnott, Bankhead, Bergman, Bergsagel, Bitney, Boharski, Brainard, Cobb, DeBruycker, Grinde, M. Hanson, Jore, Kasten, Krenzler, Masolo, McCann, Molnar, Orr, Rehbein, Sliter, Taylor, Vick, Wagner.
Total 24

Voted Absentee: Simon, Aye.

Excused: None.
Total 0

Absent or not voting: Bookout, Grimes.
Total 2

SB 61 - Representative Krenzler moved the free conference committee report to SB 61 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 84

Noes: Barnhart, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Heavy Runner, Pease, Peck, Ream, Ryan, Sands, Tropila, Tuss, Wyatt.
Total 16

Voted Absentee: Simon, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 296 - Representative Hagener moved the conference committee report to SB 296 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Bankhead, Devaney, Lawson, Masolo, McGee, Mills, Orr, Peck, Prouse, Rehbein, Simpkins, Story, Trexler, Wagner, Walters.

Total 16

Voted Absentee: Simon, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Story excused at this time.

SB 389 - Representative Orr moved SB 389 be concurred in.

Representative Harper moved SB 389, second reading copy, be amended (amendment #1). Motion failed as follows: (32-64)

Motion to concur in SB 389 failed as follows:

Ayes: Adams, Arnott, Bankhead, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Dowell, Feland, Grimes, Grinde, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, McGee, Mills, Molnar, Orr, Prouse, Quilici, Raney, Simpkins, Simpson, Sliter, Smith, Stovall, Tropila, Vick, Wagner, Walters, Wells, Mr. Speaker.

Total 47

Noes: Ahner, Anderson, Barnett, Barnhart, Bohlinger, Carey, Cocchiarella, Denny, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Masolo, McCann, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Soft, Squires, Story, Swanson, Tash, Taylor, Trexler, Tuss, Whitehead, Wiseman, Wyatt, Zook.

Total 53

Voted Absentee: Simon, Story, Noes.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Pavlovich moved that the Committee of the Whole report be adopted. Report adopted. (70-19)

MOTIONS

HB 49 - Representative Krenzler moved she be allowed to change her vote on HB 49, third reading, from aye to nay. Motion carried.

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 17**. Motion carried.

Mr. Speaker appointed the following members:

Representative Kitzenberg, Chairman
Representative Wiseman
Representative Pavlovich

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 578**. Motion carried.

Mr. Speaker appointed the following members:

Representative Grinde, Chairman
Representative R. Johnson
Representative Raney

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 584**. Motion carried.

Mr. Speaker appointed the following members:

Representative Knox, Chairman
Representative Beaudry
Representative Quilici

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 10:00 a.m., Thursday, April 17, 1997. Motion carried.

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House adjourned at 5:38 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana
April 17, 1997

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Bankhead. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/17/97

Correctly engrossed for third reading: SB 374.

Correctly enrolled: HB 74, HB 123, HB 139, HB 483, HB 555, HB 591, HB 607, HB 615.

Examined by the sponsor and found to be correct: HJR 27, HJR 28, HB 6, HB 53, HB 100, HB 134, HB 146, HB 171, HB 248, HB 287, HB 361, HB 394, HB 426, HB 435, HB 524, HB 551, HB 554, HB 559, HB 568, HB 598, HB 604.

Signed by the Speaker at 1:31 p.m., April 17, 1997: HB 118, HB 151, HB 121, HB 184, HB 406, HB 444, HB 308, HB 352, HB 491, HB 185, HB 263, HB 140, HB 89, HB 276, HB 519.

Delivered to the Governor for his approval at 3:45 p.m., April 17, 1997: HB 190, HB 534, HB 302, HB 199, HB 337, HB 238, HB 58, HB 66, HB 271, HB 172, HB 68, HB 77, HB 72, HB 431, HB 76, HB 479.

MESSAGES FROM THE SENATE

House bill not concurred in and returned to the House:

4/14/97

HB 580, introduced by McCann

House bill not concurred in and returned to the House:

4/15/97

HB 471, introduced by Gillan

The Senate, on 4/16/97, acceded to the request of the House and appointed a conference committee to meet with a like committee from the House to confer on **HB 584**.

President Aklestad appointed the following members:

Senator Grosfield, Chairman
Senator Mahlum
Senator Franklin

The Senate, on 4/16/97, on motion duly carried, dissolved the conference committee on Senate amendments to **HB 135**, and the President was authorized to appoint a free conference committee.

President Aklestad appointed the following members:

Senator Bishop, Chairman
Senator Jabs
Senator Doherty

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The Senate, on 4/17/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 5**.

President Aklestad appointed the following members:

Senator Keating, Chairman
Senator Taylor
Senator Lynch

The Senate, on 4/17/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 14**.

President Aklestad appointed the following members:

Senator Beck, Chairman
Senator Jenkins
Senator Christiaens

The Senate, on 4/17/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 17**.

President Aklestad appointed the following members:

Senator Toews, Chairman
Senator Hargrove
Senator Stang

The Senate, on 4/17/97, acceded to the request of the House and appointed a free conference committee to meet with a like committee from the House to confer on **HB 578**.

President Aklestad appointed the following members:

Senator Devlin, Chairman
Senator Taylor
Senator Jergeson

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 16, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 3 sponsored by Representative Zook on April 16, 1997.

Sincerely,

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MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 16, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 240 sponsored by Representative Devaney on April 16, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 16, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 383 sponsored by Representative Knox on April 16, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 16, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 437 sponsored by Representative Beaudry et al. on April 16, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 16, 1997

HOUSE JOURNAL
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Dear Representative Mercer:

Please be informed that I have signed House Bill 529 sponsored by Representative Denny on April 16, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 16, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 556 sponsored by Representative Grady et al. on April 16, 1997.

Sincerely,

MARC RACICOT
Governor

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Clark in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 210 - Representative Hayne moved Senate amendments to HB 210 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, DeBruycker, Denny, Devaney, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Ream, Rehbein, Rose, Ryan, Schmidt, Simpkins, Simpson, Sliter, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Adams, Barnhart, Cocchiarella, Curtiss, Dowell, Ewer, R. Johnson, Kasten, Keenan, McGee, Orr, Peck, Prouse, Raney, Sands, Simon, Smith, Soft, Tuss, Wagner, Wells, Wyatt.

Total 22

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 599 - Representative Bankhead moved Senate amendments to HB 599 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Ewer, Hagener, Hurdle, Jore, Keenan, Ream.

Total 6

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

HB 298 - Representative R. Johnson moved the free conference committee report to HB 298 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 76

Noes: Adams, Arnott, Bankhead, Barnhart, Bergsagel, Boharski, Cobb, Curtiss, DeBruycker, Denny, Devaney, Jore, Kasten, Keenan, Molnar, Orr, Peck, Prouse, Rehbein, Smith, Tuss, Vick, Wagner, Wyatt.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 44 - Representative Grinde moved consideration of SB 44 be placed at the bottom of the second reading board. Motion carried.

SB 85 - Representative Jore moved the free conference committee report to SB 85 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Denny.
Total 1

SB 99 - Representative Soft moved the free conference committee report to SB 99 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 94

Noes: Adams, Barnhart, Hurdle, Jore, Tropila, Wyatt.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 207 - Representative Arnott moved the conference committee report to SB 207 be adopted. Motion carried as

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follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Hagener, Heavy Runner, Peck, Wyatt.

Total 4

Excused: None.

Total 0

Absent or not voting: Masolo.

Total 1

SB 51 - Representative Kottel moved consideration of SB 51 be placed below HB 101 on the second reading board. Motion carried.

HB 101 - Representative Bergsagel moved Senate amendments to HB 101 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Carey, Ellingson, Galvin, Harrington, Hurdle, Pavlovich, Quilici, Ryan, Tropila, Tuss, Whitehead.

Total 11

Excused: None.

Total 0

Absent or not voting: Masolo.

Total 1

SB 51 - Representative Kottel moved Governor's amendments to SB 51 be concurred in. Motion carried as follows:

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Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Adams, Arnott, Bankhead, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Denny, Feland, M. Hanson, Jore, McCann, McGee, Mills, Molnar, Orr, Prouse, Rehbein, Sliter, Story, Taylor, Trexler, Vick, Wagner, Walters.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 136 - Representative Wiseman moved Senate amendments to HB 136 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Boharski, Brainard, Hurdle, R. Johnson, Jore, Kasten, McCann.

Total 8

Excused: None.

Total 0

Absent or not voting: H.S. Hanson.

Total 1

SB 44 - Representative Anderson moved the conference committee report to SB 44 be adopted. Motion failed as follows:

Ayes: Anderson, Beaudry, Bergman, Bitney, Boharski, Bookout, Clark, DeBruycker, Denny, Devaney, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hibbard, R. Johnson, Kasten, Rehbein, Simon, Sliter, Smith, Soft, Story, Stovall, Tash, Trexler, Vick, Wells, Wiseman.

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Total 31

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Squires, Swanson, Taylor, Tropila, Tuss, Wagner, Walters, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 69

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Clark moved that the Committee of the Whole report be adopted. Report adopted. (93-4)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 166 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Adams, Boharski, Brainard, DeBruycker, Jore, Kasten, Lawson, Orr, Peck, Prouse, Rehbein.

Total 11

Excused: None.

Total 0

Absent or not voting: Bitney, Feland.

Total 2

HB 610 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Beaudry, Bergman, Bohlinger, Bookout, Carey, Denny, Ellingson, Ellis, Ewer, Feland,

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Gillan, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Lawson, Marshall, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Whitehead, Wiseman, Mr. Speaker.

Total 56

Noes: Adams, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Bitney, Boharski, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Galvin, Grinde, M. Hanson, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Krenzler, Masolo, McCann, Molnar, Orr, Pease, Prouse, Rehbein, Sands, Sliter, Smith, Taylor, Tuss, Vick, Wagner, Walters, Wells, Wyatt, Zook.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 296, conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, McCann, McCulloch, McGee, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 72

Noes: Adams, Arnott, Bankhead, Bergsagel, Bitney, Boharski, Brainard, Curtiss, DeBruycker, Devaney, Feland, Jore, Kasten, Keenan, Lawson, Masolo, Mills, Molnar, Orr, Prouse, Rehbein, Sliter, Story, Trexler, Vick, Wagner, Walters, Wells.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

HB 252 - Representative Grinde moved the House dissolve the conference committee on HB 252 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 252. Motion carried.

Mr. Speaker appointed the following members:

Representative Simon, Chairman

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Representative Cocchiarella
Representative Molnar

REPORTS OF SELECT COMMITTEES

Conference Committee
on House Bill 99
Report No. 1, April 17, 1997

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered House Bill 99 and recommend that House Bill 99 be amended as follows:

1. Title, line 9.

Following: "ZONE:"

Insert: "PROVIDING FOR DELAYED ENFORCEMENT OF RECKLESS ENDANGERMENT OF HIGHWAY WORKERS;"

2. Title, line 10.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

3. Page 2, line 23.

Following: "PERSON"

Insert: "purposely, knowingly, or negligently"

4. Page 2, line 24.

Following: "PERSON"

Insert: "purposely"

5. Page 2, line 25.

Following: "ZONE"

Insert: "for reasons other than:

(a) avoidance of an obstacle;

(b) an emergency; or

(c) to protect the health or safety of an occupant of the vehicle or another person"

6. Page 4

Following: line 8

Insert: "(3)(a) For a 6-month grace period following [the effective date of this act], a peace officer shall issue one warning citation to a person found recklessly endangering a highway worker as the offense is described in [section 2]. If that person is found recklessly endangering a highway worker a second or subsequent time during the grace period, the person is subject to the penalties provided in this section.

(b) At the expiration of the grace period, the penalties provided in this section apply to all convictions of reckless endangerment of a highway worker.

(c) The grace period provided in subsection (3)(a) applies only to reckless endangerment of a highway worker as defined in [section 2] and does not affect the penalties for or enforcement of any other violation

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of traffic regulations provided in Title 61."

7. Page 4.

Following: line 15

Insert: "NEW SECTION. Section 7. Termination. [Section 4(3)] terminates 6 months following [the effective date of this act]."

And this Conference Committee report be adopted.

For the House:

Trexler, Chairman
Cocchiarella
Bookout-Reinicke

For the Senate:

Mohl, Chairman
Baer
Nelson

Free Conference Committee
on House Bill 83
Report No. 1, April 16, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 83 and recommend that House Bill 83 be amended as follows:

1. Page 1, line 20.

Following: the second "standards"

Insert: "and national commission on correctional health care standards"

2. Page 1, line 29.

Strike: "13"

Strike: "11"

3. Page 2, line 3.

Following: "FACILITY"

Insert: ", "

4. Page 2, line 4.

Following: "53-30-503"

Insert: ", if privately operated or privately owned and operated"

5. Page 2, lines 20 through 22.

Following: "ADOPT" on line 20

Insert: "administrative"

Following: "RULES" on line 20

Strike: the remainder of line 20 through "OPERATION." on line 22

Insert: "that include the minimum applicable standards for the siting, construction, operation, and physical condition of a private correctional facility and for the security, safety, health, treatment, and discipline of persons confined in a private correctional facility.

(b) The administrative rules must require that a private correctional facility conform to applicable

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American correctional association and national commission on correctional health care standards for the facility and achieve accreditation from the American correctional association and national commission on correctional health care within 3 years from the date the facility begins operation."

Renumber: subsequent subsection

6. Page 2, line 23.

Following: "THE"

Insert: "administrative"

7. Page 2.

Following: line 24

Insert: "(2) Within 90 days of [the effective date of this act] and on a biennial basis, the department shall publish a description of the long-range correctional needs, objectives, and goals of the department and the state."

Renumber: subsequent subsections

8. Page 2, line 26.

Strike: "13"

Insert: "11"

Strike: "REGULATIONS."

Insert: "applicable American correctional association and national commission on correctional health care standards, department rules, and"

9. Page 2, line 27.

Following: "REQUIREMENTS"

Strike: remainder of line 27 through "RULES"

10. Page 3, line 1.

Following: "(1)"

Insert: "Prior to contracting for services with a private correctional facility, the department shall publish a request for proposals. The request for proposals must include a description of the long-range correctional needs, objectives, and goals of the department and the state.

(2)"

Renumber: subsequent subsections

11. Page 3, line 4.

Strike: "i"

Insert: ", including:"

12. Page 3, line 15.

Following: "(V)"

Insert: "for"

13. Page 4, line 2.

Following: "i"

Insert: "and"

14. Page 4, line 11.

Following: "(J)"

Insert: "a"

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Strike: "BONDS"

Insert: "bond that is sufficient to protect the state from damages upon default or nonperformance and that may not exceed the biennial amount of the compensation to be paid to the contractor"

15. Page 4, line 28.

Strike: "13"

Insert: "11"

16. Page 5, line 5.

Strike: "13"

Insert: "11"

17. Page 5.

Following: line 5

Insert: "applicable"

18. Page 5, line 6.

Strike: "GUIDELINES"

Insert: "and national commission on correctional health care standards as determined by the department by administrative rule"

19. Page 5, line 11.

Following: "STATUTES."

Insert: "applicable"

20. Page 5, line 12.

Strike: "GUIDELINES"

Insert: "and national commission on correctional health care standards as determined by the department by administrative rule"

21. Page 5, line 13.

Following: "RULE."

Insert: "During the initial 3-year period of a contract, a private correctional facility is not required to be accredited by the American correctional association or the national commission on correctional health care in order to be granted a license by the department."

22. Page 5, line 19.

Strike: "grant"

Insert: "facility"

Following: "correctional"

Insert: "needs, objectives, and"

23. Page 5, line 22.

Following: "until the"

Insert: "owner or operator of the"

24. Page 5, line 23.

Strike: "an indemnity bond"

Insert: "proof of indemnity insurance"

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Following: the first "that"

Insert: "appropriately"

25. Page 5, lines 26 and 27.

Strike: "PROVIDES" on line 26 through "LOCATED"

Insert: "is constructed in accordance with American correctional association facility construction requirements. In addition, the private correctional facility shall comply with any other applicable local, state, or federal laws or regulations"

26. Page 6, line 3.

Strike: "MUST"

Insert: "shall"

27. Page 6, line 5.

Following: "ESCAPE."

Insert: "riot or disturbance,"

Strike: "disaster, riot"

Insert: "event"

28. Page 6, line 15.

Strike: "13"

Insert: "11"

29. Page 6, line 19.

Strike: "2 MILES"

Insert: "1 mile"

30. Page 7, line 1.

Strike: "10"

Insert: "7 1/2"

31. Page 7, line 3.

Following: "HAVE"

Strike: "AN"

Insert: "a significant"

32. Page 7, lines 5 through 7.

Following: "UNLESS THE"

Strike: the remainder of line 5 through "VOTE" on line 7

Insert: "concerns of the adjacent county have been considered"

33. Page 7, lines 9 through 19.

Strike: section 8 in its entirety

Renumber: subsequent sections

34. Page 7, line 21.

Following: "WITH"

Insert: "owners or operators of"

Following: "FACILITIES."

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Insert: "(1) Upon request of the legislative audit committee, the legislative audit division shall review the procedures by which a contract was awarded and shall review each contract prior to execution to determine if the contract includes the requirements provided in [sections 1 through 11]."

Renumber: subsequent subsections

35. Page 7, line 22.

Following: "WITH"

Insert: "an owner or operator of"

36. Page 7, lines 26 and 27.

Following: "CONTRACTOR."

Strike: the remainder of line 26 through "DEPARTMENT TO" on line 27

Insert: "The contract must provide that a private contractor may not"

37. Page 7, line 30.

Following: "PRIVATE"

Insert: "correctional"

38. Page 8, line 13.

Strike: "DEVELOP OR"

39. Page 8, lines 14 and 15.

Strike: "BASED" on line 14 through "SYSTEM" on line 15

Insert: "unless it is approved by the department"

40. Page 8, lines 26 and 27.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

41. Page 8, line 29.

Following: "SUBDIVISION"

Insert: "of the state"

42. Page 8, line 30.

Following: "FACILITY"

Insert: "because of the contractor's negligence, errors, omissions, intentional acts, or failure to comply with the terms of the contract"

43. Page 9, line 2.

Following: "SUBDIVISION"

Insert: "of the state for defense of causes of action"

Following: "INMATE"

Insert: "that accrue"

44. Page 9.

Following: line 3

Insert: "(3) The provisions of [sections 1 through 11] are not intended to create a private or public cause of action for any person, partnership, corporation, or other entity, including any inmate housed within any private correctional facility or any inmate housed within the state of Montana."

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45. Page 9, line 5 through line 11.

Strike: section 11 in its entirety

Renumber: subsequent sections

46. Page 9, line 22.

Strike: "13"

Insert: "11"

47. Page 9, line 23.

Following: "ESTABLISHED"

Insert: "applicable"

Strike: "GUIDELINES"

Insert: "and national commission on correctional health care standards as determined by the department by administrative rule"

48. Page 9, line 26.

Strike: "13] and"

Insert: "11], applicable American correctional association and national commission on correctional health care standards,"

Following: "rules,"

Insert: "and contract requirements,"

49. Page 9, line 27.

Strike: "governing board of the"

Insert: "owner or operator, or both, of the private correctional"

50. Page 10, line 1.

Strike: "13] and"

Insert: "11], applicable American correctional association and national commission on correctional health care standards,"

Following: "rules,"

Insert: "and contract requirements,"

51. Page 10, line 3.

Strike: "13]"

Insert: "11], applicable American correctional association and national commission on correctional health care standards"

52. Page 10, line 12.

Strike: "13]"

Insert: "11], applicable American correctional association and national commission on correctional health care standards"

53. Page 10, line 13.

Strike: "RULE"

Insert: "rules"

54. Page 10, line 23.

Strike: "13"

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Insert: "11"

55. Page 10, line 29.

Strike: "OR PROPOSED"

And this Free Conference Committee report be adopted.

For the House:

Bergsagel, Chairman
Vick
McCann

For the Senate:

Mohl, Chairman
Beck
Franklin

Free Conference Committee
on House Bill 135
Report No. 1, April 16, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 135 and recommend that House Bill 135 be amended as follows:

1. Page 3, line 23.

Strike: "IT FINDS"

2. Page 3, line 24.

Strike: "THAT"

3. Page 3, line 25.

Strike: "PERSON SUFFERS FROM AN"

Following: "SYNDROME"

Strike: "THAT"

And this Free Conference Committee report be adopted.

For the House:

Boharski, Chairman
Smith
Pease

For the Senate:

Bishop, Chairman
Jabs
Doherty

Free Conference Committee
on House Bill 188
Report No. 1, April 17, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 188 and recommend that House Bill 188 be amended as follows:

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1. Page 2, following line 23.

Insert: "DEPARTMENT OF CORRECTIONS
Information Technology Plan 1,890,408"

2. Page 2, line 27.

Strike: " \$41,100,000"

Insert: " \$42,990,408"

3. Page 3, following line 17.

Insert: " (5) It is the intent of the 55th legislature that bonds sold to purchase equipment be issued for a term that reflects the life of the assets. Therefore, of the \$1,890,408 in bonding for the department of corrections information technology plan, \$913,908 in bonds must be sold for a term of 5 years and \$976,500 in bonds must be sold for a term of 10 years."

And this Free Conference Committee report be adopted.

For the House:

Quilici
Denny

For the Senate:

Keating, Chairman
Cole

Free Conference Committee
on House Bill 345
Report No. 1, April 16, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 345 and recommend that House Bill 345 be amended as follows:

1. Page 2, lines 9 through 12.

Strike: subsection (7) in its entirety

Renumber: subsequent subsections

2. Page 3, line 11.

Following: "all employees"

Strike: "and prospective employees"

3. Page 3, lines 13 through 15.

Following: "PART 40" on line 13

Strike: the remainder of line 13 through "(8)" on line 15

4. Page 5, lines 24 through 30.

Strike: subsection (8) in its entirety

And this Free Conference Committee report be adopted.

For the House:

For the Senate:

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Masolo, Chairman
Devaney
Ellingson

Keating, Chairman
Wilson
Thomas

Free Conference Committee
on House Bill 369
Report No. 1, April 16, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 369 and recommend that House Bill 369 be amended as follows:

1. Title, line 16.

Following: "÷"

Insert: "MODIFYING A MAYOR'S RIGHT TO EXERCISE EXTRATERRITORIAL POWERS WITHIN 5 MILES OF THE CITY OR TOWN LIMITS FOR THE PURPOSE OF ENFORCING HEALTH AND QUARANTINE ORDINANCES;"

2. Title, line 17.

Strike: "AND"

Following: "50-60-101,"

Insert: "AND 7-4-4306,"

3. Page 7.

Following: line 23

Insert: "Section 10. Section 7-4-4306, MCA, is amended to read:

"7-4-4306. Extraterritorial powers. The mayor has power to exercise ~~such~~ the power as may be vested in the mayor by ordinance of the city or town, in and over all places within 5 miles of the boundaries of the city or town for the purpose of enforcing the health and quarantine ordinances and regulations ~~thereof~~ of the city or town. The board of county commissioners of the county affected by the ordinance and the local health board, if a local health board exists in the area affected by the ordinance, shall approve the ordinance by a majority vote."

Renumber: subsequent section

And this Free Conference Committee report be adopted.

For the House:

Brainard, Chairman
Denny
McCulloch

For the Senate:

Sprague, Chairman
Thomas
Eck

Free Conference Committee
on House Bill 389
Report No. 1, April 16, 1997

Mr. Speaker and Mr. President:

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We, your Free Conference Committee met and considered House Bill 389 and recommend that House Bill 389 be amended as follows:

1. Title, line 7.

Following: "~~PROVISIONS~~;"

Insert: "PROVIDING FOR GREATER PUBLIC PARTICIPATION IN AGENCY RULEMAKING; AMENDING PROVISIONS FOR NOTICE OF AGENCY RULES; DEFINING TERMS;"

2. Title, line 9.

Following: "~~NECESSITY~~;"

Insert: "PROHIBITING THE USE OF AN ADOPTION NOTICE TO CURE DEFICIENCIES IN STATEMENTS OF REASONABLE NECESSITY;"

3. Title, line 11.

Following: "SECTIONS"

Insert: "2-4-102, 2-4-302,"

Following: "~~2-4-305~~,"

Insert: ", 2-4-305,"

4. Page 9.

Following: line 23

Insert: "Section 1. Section 2-4-102, MCA, is amended to read:

"2-4-102. Definitions. For purposes of this chapter, the following definitions apply:

(1) "Administrative code committee" or "committee" means the committee provided for in Title 5, chapter 14.

(2) (a) "Agency" means an agency, as defined in 2-3-102, of the state government, except that the provisions of this chapter do not apply to the following:

(i) the state board of pardons and parole, except that the board is subject to the requirements of 2-4-103, 2-4-201, 2-4-202, and 2-4-306 and its rules must be published in the ~~Administrative Rules of Montana~~ ARM and the ~~Montana Administrative Register~~ register;

(ii) the supervision and administration of a penal institution with regard to the institutional supervision, custody, control, care, or treatment of youths or prisoners;

(iii) the board of regents and the Montana university system;

(iv) the financing, construction, and maintenance of public works.

(b) Agency does not include a school district, unit of local government, or any other political subdivision of the state.

(3) "ARM" means the Administrative Rules of Montana.

(4) "Contested case" means a proceeding before an agency in which a determination of legal rights, duties, or privileges of a party is required by law to be made after an opportunity for hearing. The term includes but is not restricted to ratemaking, price fixing, and licensing.

(5) "Interested person" means a person who has expressed to the agency an interest concerning agency actions under this chapter and has requested to be placed on the agency's list of interested persons as to matters of which the persons desires to be given notice. The term does not extend to contested cases.

~~(5)(6)~~ (6) "License" includes the whole or part of ~~any~~ an agency permit, certificate, approval, registration, charter, or other form of permission required by law but does not include a license required solely for revenue purposes.

~~(6)(7)~~ (7) "Licensing" includes ~~any~~ an agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, limitation, transfer, or amendment of a license.

~~(7)(8)~~ (8) "Party" means a person named or admitted as a party or properly seeking and entitled as of right

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to be admitted as a party, but ~~nothing in~~ this chapter may not be construed to prevent an agency from admitting any person as a party for limited purposes.

~~(8)~~(9) "Person" means an individual, partnership, corporation, association, governmental subdivision, agency, or public organization of any character.

~~(9)~~(10) "Register" means the Montana Administrative Register.

~~(10)~~(11) "Rule" means each agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedures, or practice requirements of an agency. The term includes the amendment or repeal of a prior rule but does not include:

(a) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public;

(b) formal opinions of the attorney general and declaratory rulings issued pursuant to 2-4-501;

(c) rules relating to the use of public works, facilities, streets, and highways when the substance of the rules is indicated to the public by means of signs or signals;

(d) seasonal rules adopted annually or biennially relating to hunting, fishing, and trapping when there is a statutory requirement for the publication of the rules and rules adopted annually or biennially relating to the seasonal recreational use of lands and waters owned or controlled by the state when the substance of the rules is indicated to the public by means of signs or signals;

(e) rules implementing the state personnel classification plan, the state wage and salary plan, or the statewide budgeting and accounting system;

(f) uniform rules adopted pursuant to interstate compact, except that the rules must be filed in accordance with 2-4-306 and must be published in the Administrative Rules of Montana ARM.

(12) "Significant interest to the public" means agency actions under this chapter regarding matters that the agency knows to be of widespread citizen interest. These matters include issues involving a substantial fiscal impact to or controversy involving a particular class or group of individuals. The term does not extend to contested cases.

~~(11)~~(13) "Substantive rules" are either:

(a) legislative rules, which if adopted in accordance with this chapter and under expressly delegated authority to promulgate rules to implement a statute have the force of law and when not so adopted are invalid; or

(b) adjective or interpretive rules, which may be adopted in accordance with this chapter and under express or implied authority to codify an interpretation of a statute. The interpretation lacks the force of law."

Section 2. Section 2-4-302, MCA, is amended to read:

"2-4-302. Notice, hearing, and submission of views. (1) Prior to the adoption, amendment, or repeal of any rule, the agency shall give written notice of its intended action. The notice ~~shall~~ must include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, the rationale for the intended action, and the time when, place where, and manner in which interested persons may present their views ~~thereon~~ on the intended action. The rationale must be written in plain, easily understood language.

(2) (a) The notice ~~shall~~ must be filed with the secretary of state for publication in the register as provided in 2-4-312 and mailed within 3 days of publication to interested persons who have made timely requests to the agency ~~for notice to be informed~~ of its rulemaking proceedings and to the office of any professional, trade, or industrial society or organization or member ~~thereof~~ of those entities that has filed a request with the administrative code committee ~~when such request~~ that has been forwarded to the agency as provided in subsection (2)(b). Each agency shall create and maintain a list of interested persons and the subject or subjects in which each person on the list is interested. A person who submits a written comment or attends a hearing in regard to proposed agency action under this part must be informed of the list by the agency. An agency complies with this subsection if it includes in the notice an advisement explaining how persons may be placed on the list of interested persons and if it complies with subsection (7).

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(b) The administrative code committee shall forward a list of all organizations or persons who have submitted a request to be informed of agency actions to all agencies publishing rulemaking notices in the ~~Montana Administrative Register~~ ARM. The list must be amended by the agency upon request of any person requesting to be added to or deleted from the list.

(c) The notice ~~shall~~ must be published and mailed at least 30 days in advance of the agency's intended action. In addition to publishing and mailing the notice under subsection (2)(a) of this section, the agency shall post the notice of the state electronic bulletin board or other electronic communications system available to the public.

(3) If ~~any~~ a statute provides for a ~~different~~ different method of publication different from that provided in subsection (2), the affected agency shall comply with the statute in addition to the requirements contained herein in this section. However, ~~in no case may~~ the notice period may not be less than 30 days or more than 6 months.

(4) Prior to the adoption, amendment, or repeal of any rule, the agency shall afford interested persons at least 20 days' notice of a hearing and 28 days from the day of notice to submit data, views, or arguments, orally or in writing. In the case of substantive rules, the notice of proposed rulemaking must state that opportunity for oral hearing ~~shall~~ must be granted if requested by either 10% or 25, whichever is less, of the persons who will be directly affected by the proposed rule, by a governmental subdivision or agency, by the administrative code committee, or by an association having not less than 25 members who will be directly affected. If the proposed rulemaking involves matters of significant interest to the public, the agency shall schedule an oral hearing.

(5) An agency may continue a hearing date for cause. In the discretion of the agency, contested case procedures need not be followed in hearings held pursuant to this section. If a hearing is otherwise required by statute, nothing ~~herein in this section~~ alters that requirement.

(6) If an agency fails to publish a notice of adoption within the time required by 2-4-305(7) and the agency again proposes the same rule for adoption, amendment, or repeal, the proposal must be considered a new proposal for purposes of compliance with this chapter.

(7) At the commencement of any hearing on the intended action, the person designated by the agency to preside at the hearing shall:

(a) read aloud the "Notice of Function of Administrative Code Committee" appearing in the register; and (b) inform the persons at the hearing of the provisions of subsection (2)(a) and provide them an opportunity to place their names on the list."

Renumber: subsequent sections

5. Page 10, line 8.

Following: "~~person~~"

Insert: "upon petition by any person. The matter must be set for hearing at the earliest possible time and takes precedence over all other matters except older matters of the same character"

6. Page 11.

Following: line 30

Insert: "Section 4. Section 2-4-305, MCA, is amended to read:

"2-4-305. Requisites for validity -- authority and statement of reasons. (1) The agency shall fully consider ~~fully~~ written and oral submissions respecting the proposed rule. Upon adoption of a rule, an agency shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement the reasons for overruling the considerations urged against its adoption. If substantial differences exist between the rule as proposed and as adopted and the differences have not been described or set forth in the adopted rule as that rule is printed in the ~~Montana Administrative Register~~ register, the differences must be described in the statement of reasons for and against agency action. When written or oral submissions have not been received, an agency may omit the statement of reasons.

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- (2) Rules may not unnecessarily repeat statutory language. Whenever it is necessary to refer to statutory language in order to convey the meaning of a rule interpreting the language, the reference must clearly indicate the portion of the language that is statutory and the portion that is an amplification of the language.
- (3) Each proposed and adopted rule must include a citation to the specific grant of rulemaking authority pursuant to which the rule or any part of the rule is adopted. In addition, each proposed and adopted rule must include a citation to the specific section or sections in the Montana Code Annotated that the rule purports to implement.
- (4) Each rule that is proposed and adopted by an agency and that implements a policy of a governing board or commission must include a citation to and description of the policy implemented. Each agency rule implementing a policy and the policy itself must be based on legal authority and otherwise comply with the requisites for validity of rules established by this chapter.
- (5) To be effective, each substantive rule adopted must be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law.
- (6) Whenever by the express or implied terms of any statute a state agency has authority to adopt rules to implement, interpret, make specific, or otherwise carry out the provisions of the statute, a rule adopted is not valid or effective unless it is:
- (a) consistent and not in conflict with the statute; and
 - (b) reasonably necessary to effectuate the purpose of the statute. Subject to the provisions of subsection (8), reasonable necessity must be demonstrated in the agency's notice of proposed rulemaking and in the written and oral data, views, comments, or testimony submitted by the public or the agency and considered by the agency.
- (7) A rule is not valid unless notice of it is given and it is adopted in substantial compliance with 2-4-302, ~~or 2-4-303, or 2-4-306~~ and this section and unless notice of adoption of the rule is published within 6 months of the publishing of notice of the proposed rule. If an amended or supplemental notice of either proposed or final rulemaking, or both, is published concerning the same rule, the 6-month limit must be determined with reference to the latest notice in all cases.
- (8) An agency may use an amended proposal notice or the adoption notice to correct deficiencies in ~~statements of reasonable necessity, in~~ citations of authority for rules, and in citations of sections implemented by rules. An agency may use an amended proposal notice, but, except for clerical corrections, may not use the adoption notice to correct deficiencies in a statement of reasonable necessity.""

Renumber: subsequent section

And this Free Conference Committee report be adopted.

For the House:

Simon, Chairman
Brainard
Galvin

For the Senate:

Gage, Chairman
Grosfield
Wilson

Free Conference Committee
on House Bill 398
Report No. 1, April 17, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 398 and recommend that Senate Committee on Finance and Claim amendments to the third reading copy, dated April 9, 1997, be adopted.

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And this Free Conference Committee report be adopted.

For the House:

R. Johnson, Chairman
J. Johnson

For the Senate:

Taylor, Chairman
Lynch

Free Conference Committee
on House Bill 122
Report No. 1, April 17, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 122 and recommend that House Bill 122 be amended as follows:

1. Title.

Following: line 12

Insert: "PROHIBITING PRISONERS FROM FILING COMPLAINTS WITH THE DEPARTMENT OF
COMMERCE AGAINST CERTAIN PROFESSIONALS;"

2. Title, line 14.

Strike: "SECTION"

Insert: "SECTIONS"

3. Title, line 15.

Following: "25-10-404"

Insert: "AND 37-1-308"

4. Page 2, line 4.

Strike: "Report"

Insert: "Garnishment -- report"

Following: "authority"

Strike: "required"

5. Page 2, line 5.

Following: "IF"

Insert: "the department of corrections becomes aware that"

Following: "prisoner"

Insert: "while incarcerated"

6. Page 2, line 6.

Strike: "BECOMES"

Insert: "is"

7. Page 2, line 7.

Strike: "shall"

Following: "submit"

Insert: "may"

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8. Page 2, line 12.

Page 2, line 13.

Strike: "incarcerated person"

Insert: "prisoner"

9. Page 2, line 15.

Following: "SHALL"

Insert: "provide notice and a copy of the report to the board of crime control and the county attorney for the county in which the prisoner was sentenced, either of whom may"

10. Page 6.

Following: line 3

Insert: "Section 4. Section 37-1-308, MCA, is amended to read:

"37-1-308. Unprofessional conduct -- complaint -- investigation -- immunity -- exception. (1) ~~A~~ Except as provided in subsection (3), a person, government, or private entity may submit a written complaint to the department charging a licensee or license applicant with a violation of this part and specifying the grounds for the complaint.

(2) If the department receives a written complaint or otherwise obtains information that a licensee or license applicant may have committed a violation of this part, the department may, with the concurrence of a member of the screening panel established in 37-1-307, investigate to determine whether there is reasonable cause to believe that the licensee or license applicant has committed the violation. A person or private entity, but not a government entity, filing a complaint under this section in good faith is immune from suit in a civil action related to the filing or contents of the complaint.

(3) A person may not file a complaint under subsection (1) against a licensed or certified provider of health care or rehabilitative services for services that were provided to the person while incarcerated under the legal custody of the department of corrections. If the department of corrections has reason to believe that there has been a violation of this part arising out of health care or rehabilitative services provided to a person incarcerated under the legal custody of the department of corrections, the department of corrections shall report the possible violation to the department for appropriate action under subsection (2)."

Renumber: subsequent sections

11. Page 6, line 6.

Following: "chapter" in two places

Strike: "1, part 1"

Insert: "10"

12. Page 6, lines 8 and 9.

Strike: "Title 25, chapter 10"

Insert: "Title 46, chapter 18"

And this Free Conference Committee report be adopted.

For the House:

Smith, Chairman

Ahner

McCulloch

For the Senate:

Grosfield, Chairman

McNutt

Bartlett

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Free Conference Committee
on Senate Bill 195
Report No. 1, April 17, 1997

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 195, met and considered the House Committee of the Whole amendments.

We recommend that Senate Bill 195 be further amended as follows:

1. Title, line 12.

STRIKE: "ELIMINATING"

INSERT: "PHASING IN"

2. Title, lines 16 through 19.

Following: "~~1999~~;" on line 16

Strike: remainder of line 16 through ";" on line 19

3. Title, line 20.

Strike: "A CONTINGENT"

Insert: "AN"

Following: "THREE"

Strike: "1"

Insert: "AND"

4. Title, line 21.

Strike: "AND TEN"

Following: "1"

Insert: "REVISING THE PROPERTY TAX LIMITATIONS IMPLEMENTING INITIATIVE MEASURE NO. 105 BY CHANGING THE EXCEPTIONS TO THE LIMITATIONS; PROVIDING A METHOD FOR THE VOTERS OF A TAXING UNIT TO AUTHORIZE AN INCREASE IN TAXES; PROVIDING FOR A PROPERTY TAX STUDY COMMITTEE; PROVIDING AN APPROPRIATION FOR THE OPERATION OF THE COMMITTEE; PROVIDING CARRYOVER APPROPRIATION AUTHORITY FOR THE DEPARTMENT OF REVENUE;"

5. Title, line 22.

Strike: "15-6-133,"

Insert: "7-6-2514,"

Strike: "15-6-143, 15-7-103,"

Insert: "15-7-102,"

Strike: "15-7-112,"

6. Title, line 23.

Strike: "AND 15-8-111"

Insert: "15-10-401, 15-10-402, 15-10-412, 15-36-323, AND 77-1
208"

Following: ";"

Insert: "REPEALING SECTION 15-10-411, MCA;"

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7. Title, line 24.

Following: "IMMEDIATE"

Insert: "AN IMMEDIATE"

Strike: "DATES"

Insert: "DATE"

8. Page 1, lines 28 through page 2, line 8.

Following: "for" on line 28

Strike: remainder of line 28 through "." on page 2, line 8

Insert: "phasing in newly constructed, remodeled, and

reclassified property consistent with the phasing in of reappraised property. The legislature contemplates that the rules adopted by the department should address, at a minimum, the manner in which the reappraised portion of new, remodeled, or reclassified property will be determined and phased in."

9. Page 2, line 12 through page 10, line 24.

Strike: everything after the enacting clause

Insert: "Section 10. Section 7-6-2514, MCA, is amended to read:

"7-6-2514. Tax limitation applicable. The property tax limitation ~~to 1986 levels under~~ contained in Title 15, chapter 10, part 4, applies to the county public safety levy authorized in 7-6-2513. The limitation is determined by the total tax levied for the county general fund. The first year that a county public safety tax is levied, the public safety levy and the general fund levy may not exceed the prior year's county general fund levy. In subsequent years, any increases in the public safety levy and the general fund levy are limited under Title 15, chapter 10, part 4."

Section 11. Section 15-6-134, MCA, is amended to read:

"15-6-134. Class four property -- description -- taxable percentage. (1) Class four property includes:

(a) all land, except that specifically included in another class;

(b) all improvements, including trailers or mobile homes used as a residence, except those specifically included in another class;

(c) the first \$100,000 or less of the market value of any improvement on real property, including trailers or mobile homes, and appurtenant land not exceeding 5 acres owned or under contract for deed and actually occupied for at least 7 months a year as the primary residential dwelling of any person whose total income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home, is not more than \$15,000 for a single person or \$20,000 for a married couple or a head of household, as adjusted according to subsection (2)(b)(ii). For the purposes of this subsection (1)(c), net business income is gross income less ordinary operating expenses but before deducting depreciation or depletion allowance, or both.

(d) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 3,000 lineal yards; and

(e) all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202, including 1 acre of real property beneath improvements on land described in 15-6-133(1)(c). The 1 acre must be valued at market value.

(2) Class four property is taxed as follows:

(a) (i) Except as provided in 15-24-1402 or 15-24-1501 and subsection (2)(a)(ii) of this section, property described in subsections (1)(a), (1)(b), and (1)(e) of this section is taxed at 3.86% of its market value.

(ii) The taxable percentage rate in subsection (2)(a)(i) must be adjusted downward by subtracting 0.022 percentage points each year until the tax rate is equal to or less than 2.78%.

(b) (i) Property qualifying under the property tax assistance program in subsection (1)(c) is taxed at ~~3.86%~~ the rate provided in subsection (2)(a)(ii) of its market value multiplied by a percentage figure based on income and determined from the following table:

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Income Single Person	Income Married Couple Head of Household	Percentage Multiplier
\$ 0 - \$ 6,000	\$ 0 - \$ 8,000	20%
6,001 - 9,200	8,001 - 14,000	50%
9,201 - 15,000	14,001 - 20,000	70%

(ii) The income levels contained in the table in subsection (2)(b)(i) must be adjusted for inflation annually by the department of revenue. The adjustment to the income levels is determined by:

(A) multiplying the appropriate dollar amount from the table in subsection (2)(b)(i) by the ratio of the PCE for the second quarter of the year prior to the year of application to the PCE for the second quarter of 1995; and

(B) rounding the product thus obtained to the nearest whole dollar amount.

(iii) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly in the Survey of Current Business by the bureau of economic analysis of the U.S. department of commerce.

(c) Property described in subsection (1)(d) is taxed at one-half the taxable percentage rate established in subsection (2)(a)(i).

(3) Within the meaning of comparable property, as defined in 15-1-101, property assessed as commercial property is comparable only to other property assessed as commercial property and property assessed as other than commercial property is comparable only to other property assessed as other than commercial property."

Section 12. Section 15-7-102, MCA, is amended to read:

"15-7-102. Notice of classification and appraisal to owners -- appeals. (1) (a) The department shall mail to each owner or purchaser under contract for deed a notice of the classification of the land owned or being purchased and the appraisal of the improvements on the land only if one or more of the following changes pertaining to the land or improvements have been made since the last notice:

(i) change in ownership;

(ii) change in classification;

(iii) except as provided in subsection (1)(b), change in valuation; or

(iv) addition or subtraction of personal property affixed to the land.

(b) After the first year, the department is not required to mail the notice provided for in subsection (1)(a)(iii) if the change in valuation is the result of an incremental change in valuation caused by the phasing in of a reappraisal.

~~(b)(c)~~ The notice must include the following for the taxpayer's informational purposes:

(i) the total amount of mills levied against the property in the prior year;

~~(ii) the amount of the prior year's taxes resulting from levied mills;~~

~~(iii) an estimate of the current year's taxes based on the prior year's mills; and~~

~~(iv)(ii)~~ a statement that the notice is not a tax bill.

~~(c)(d)~~ Any misinformation provided in the information required by subsection ~~(1)(b)~~ (1)(c) does not affect the validity of the notice and may not be used as a basis for a challenge of the legality of the notice.

(2) (a) The department shall assign each assessment to the correct owner or purchaser under contract for deed and mail the notice of classification and appraisal on a standardized form, adopted by the department, containing sufficient information in a comprehensible manner designed to fully inform the taxpayer as to the classification and appraisal of the property and of changes over the prior tax year.

(b) The notice must advise the taxpayer that in order to be eligible for a refund of taxes from an appeal of the classification or appraisal, the taxpayer is required to pay the taxes under protest as provided in 15-1-402.

(3) If the owner of any land and improvements is dissatisfied with the appraisal as it reflects the market

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value of the property as determined by the department or with the classification of the land or improvements, the owner may request an assessment review by submitting an objection in writing to the department, on forms provided by the department for that purpose, within 30 days after receiving the notice of classification and appraisal from the department. The review must be conducted informally and is not subject to the contested case procedures of the Montana Administrative Procedure Act. As a part of the review, the department may consider the actual selling price of the property, independent appraisals of the property, and other relevant information presented by the taxpayer in support of the taxpayer's opinion as to the market value of the property. The department shall give reasonable notice to the taxpayer of the time and place of the review. After the review, the department shall determine the correct appraisal and classification of the land or improvements and notify the taxpayer of its determination. In the notification, the department shall state its reasons for revising the classification or appraisal. When the proper appraisal and classification have been determined, the land must be classified and the improvements appraised in the manner ordered by the department.

(4) Whether a review as provided in subsection (3) is held or not, the department may not adjust an appraisal or classification upon the taxpayer's objection unless:

- (a) the taxpayer has submitted an objection in writing; and
- (b) the department has stated its reason in writing for making the adjustment.

(5) A taxpayer's written objection to a classification or appraisal and the department's notification to the taxpayer of its determination and the reason for that determination are public records. The department shall make the records available for inspection during regular office hours.

(6) If any property owner feels aggrieved by the classification or appraisal made by the department after the review provided for in subsection (3), the property owner has the right to first appeal to the county tax appeal board and then to the state tax appeal board, whose findings are final subject to the right of review in the courts. The appeal to the county tax appeal board must be filed within 30 days after notice of the department's determination is mailed to the taxpayer. A county tax appeal board or the state tax appeal board may consider the actual selling price of the property, independent appraisals of the property, and other relevant information presented by the taxpayer as evidence of the market value of the property. If the county tax appeal board or the state tax appeal board determines that an adjustment should be made, the department shall adjust the base value of the property in accordance with the board's order."

Section 13. Section 15-7-111, MCA, is amended to read:

"15-7-111. Periodic revaluation of certain taxable property. (1) The department of revenue shall administer and supervise a program for the revaluation of all taxable property within ~~the state~~ classes three, four, and ten. All other property must be revalued annually. ~~The department shall complete this revaluation program by~~ of class three, four, and ten property is complete on December 31, 1996. ~~A comprehensive written reappraisal plan must be promulgated by the department. The reappraisal plan adopted must provide that all property in each county be revalued by December 31, 1996. The department shall furnish a copy of the plan and all amendments to the plan to the board of county commissioners of each county. The amount of the change in valuation from the 1996 base year for each property in classes three, four, and ten must be phased in each year at the rate of 2% of the total change in valuation.~~

(2) The department shall value and phase in the value of newly constructed, remodeled, or reclassified property in a manner consistent with the valuation within the same class and the values established pursuant to subsection (1). The department shall adopt rules for determining the assessed valuation and phased-in value of new, remodeled, or reclassified property within the same class.

(2)(3) Beginning January 1, 1997 2007, the department of revenue shall administer and supervise a program for the revaluation of all taxable property within the state at least every 3 years classes three, four, and ten. A comprehensive written reappraisal plan must be promulgated by the department. The reappraisal plan adopted must provide that all class three, four, and ten property in each county be is revalued at least every by January 1, 2010, and each succeeding 3 years. The department shall furnish a copy of the plan

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and all amendments to the plan to the board of county commissioners of each county."

Section 14. Section 15-10-401, MCA, is amended to read:

"15-10-401. Declaration of policy. (1) The state of Montana's reliance on the taxation of property to support education and local government has placed an unreasonable burden on the owners of all classes ~~three, four, six, nine, twelve, and fourteen~~ of property, ~~as those classes are defined~~ described in Title 15, chapter 6, part 1.

~~(2) The legislature's failure to give local governments and local school districts the flexibility to develop alternative sources of revenue will only lead to increases in the tax burden on the already overburdened property taxpayer.~~

~~(3) The legislature is the appropriate forum to make the difficult and complex decisions to develop:~~

~~(a) a tax system that is fair to property taxpayers; and~~

~~(b) a method of providing adequate funding for local government and education.~~

~~(4) The legislature has failed in its responsibility to taxpayers, education, and local government to relieve the tax burden on property classes three, four, six, nine, twelve, and fourteen.~~

~~(5)~~(2) The Except as provided in 15-10-412, the people of the state of Montana declare that it is the policy of the state of Montana that no further property tax increases be imposed on property classes three, four, six, nine, twelve, and fourteen. In order to reduce volatility in property taxation and in order to reduce taxpayer uncertainty, it is the policy of the legislature to develop alternatives to market value for purposes of taxation."

Section 15. Section 15-10-402, MCA, is amended to read:

"15-10-402. Property tax limited to ~~1986~~ 1996 levels. ~~(1) Except as provided in subsections (2) and (3) 15-10-412, the amount of taxes levied on property described in 15-6-133, 15-6-134, and 15-6-136 Title 15, chapter 6, part 1, may not, for any taxing jurisdiction, exceed the amount levied for taxable tax year 1986 1996.~~

~~(2) The limitation contained in subsection (1) does not apply to levies for rural improvement districts, Title 7, chapter 12, part 21; special improvement districts, Title 7, chapter 12, part 41; elementary and high school districts, Title 20; juvenile detention programs authorized under 7-6-502; or bonded indebtedness.~~

~~(3) New construction or improvements to or deletions from property described in subsection (1) are subject to taxation at 1986 levels.~~

~~(4) As used in this section, the "amount of taxes levied" and the "amount levied" mean the actual dollar amount of taxes imposed on an individual piece of property, notwithstanding an increase or decrease in value due to inflation, reappraisal, adjustments in the percentage multiplier used to convert appraised value to taxable value, changes in the number of mills levied, or increase or decrease in the value of a mill."~~

Section 16. Section 15-10-412, MCA, is amended to read:

"15-10-412. Property tax ~~limited to 1986 levels~~ limit -- clarification -- extension to all property classes exception. Section 15-10-402 is ~~interpreted and clarified~~ implemented as follows:

~~(1) The limitation to 1986 levels is extended to apply to all classes of property described in Title 15, chapter 6, part 1.~~

~~(2) The limitation on the amount of taxes levied is interpreted to mean~~ means that, except as otherwise provided in this section, the ~~actual tax liability for an individual property~~ total amount of taxes levied by each taxing unit is capped at the dollar amount ~~due levied~~ levied in each taxing unit for the ~~1986~~ 1996 tax year. ~~In tax years thereafter, the property must be taxed in each taxing unit at the 1986 cap or the product of the taxable value and mills levied, whichever is less for each taxing unit, except in a taxing unit that levied a tax in tax years 1983 1993 through 1985 1995 but did not levy a tax in 1986 1996, in which case the actual tax liability for an individual property is taxes levied are capped at the dollar amount due in that taxing unit for the 1985 1995 tax year.~~

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~~(3)(2)~~ The limitation on the amount of taxes levied does not prohibit a further an increase in the total taxable valuation of taxes levied by a taxing unit as a result of:

- (a) annexation of real property and improvements into a taxing unit;
- (b) construction, expansion, or remodeling of improvements;
- (c) transfer of property into a taxing unit;
- (d) subdivision of real property;
- (e) reclassification of property;
- (f) increases in the amount of production or the value of production for property described in 15-6-131 or 15-6-132;
- (g) transfer of property from tax-exempt to taxable status; or
- (h) revaluations caused by:
- ~~(i) cyclical reappraisal; or~~
- (ii) expansion, addition, replacement, or remodeling of improvements.

(3) The limitation on the amount of taxes levied does not prohibit an increase in the total taxes levied by a taxing unit in order to compensate the taxing unit for any loss in the total amount of nonlevy revenue received in 1996 from taxes imposed under Title 15, chapter 23, part 7, and Title 15, chapter 36, part 3.

~~(4) The limitation on the amount of taxes levied does not prohibit a further increase in the taxable valuation or in the actual tax liability on individual property in each class as a result of:~~

- ~~(a) a revaluation caused by:~~
- ~~(i) construction, expansion, replacement, or remodeling of improvements that adds value to the property;~~
- ~~or~~
- ~~(ii) cyclical reappraisal;~~
- ~~(b) transfer of property into a taxing unit;~~
- ~~(c) reclassification of property;~~
- ~~(d) increases in the amount of production or the value of production for property described in 15-6-131 or 15-6-132;~~

- ~~(e) annexation of the individual property into a new taxing unit; or~~
- ~~(f) conversion of the individual property from tax exempt to taxable status.~~

~~(5) Property in class four is valued according to the procedures used in 1986, including the designation of 1982 as the base year, until the reappraisal cycle beginning January 1, 1986, is completed and new valuations are placed on the tax rolls and a new base year designated, if the property is:~~

- ~~(a) new construction;~~
- ~~(b) expanded, deleted, replaced, or remodeled improvements;~~
- ~~(c) annexed property; or~~
- ~~(d) property converted from tax exempt to taxable status.~~

~~(6) Property described in subsections (5)(a) through (5)(d) that is not class four property is valued according to the procedures used in 1986 but is also subject to the dollar cap in each taxing unit based on 1986 mills levied.~~

~~(7)(4) The limitation on the amount of taxes, as clarified in this section, is intended to leave the property appraisal and valuation methodology methodologies of the department of revenue intact. Determinations of county classifications, salaries of local government officers, and all other matters in which total taxable valuation is an integral component are not affected by 15-10-401 and 15-10-402 except for the use of taxable valuation in fixing tax levies. In fixing tax levies, the taxing units of local government may anticipate the deficiency in revenues resulting from the tax limitations in 15-10-401 and 15-10-402, while understanding that regardless of the amount of mills levied, a taxpayer's liability may not exceed the dollar amount due in each taxing unit for the 1986 tax year unless:~~

(5) (a) except as provided in subsection (8)(a), the taxing unit's taxable valuation decreases by 5% or more from the 1986 tax year. If Except as provided in subsection (5)(d), if a taxing unit's taxable valuation decreases by 5% or more from the 1986 1996 tax year, it may levy additional mills to compensate for the

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decreased taxable valuation, but the mills levied may not exceed a number calculated to equal the revenue from property taxes for the ~~1986~~ 1996 tax year in that taxing unit.

(b) If a levy authorized under Title 20 raised less revenue in ~~1986~~ 1996 than was raised in either ~~1984~~ 1994 or ~~1985~~ 1995, in which case the taxing unit may, after approval by the voters in the taxing unit, raise each year thereafter an additional number of mills but may not levy more revenue than the 3-year average of revenue raised for that purpose during ~~1984~~ 1994, ~~1985~~ 1995, and ~~1986~~ 1996.

(c) If a levy authorized in 50-2-111 that was made in ~~1986~~ 1996 was for less than the number of mills levied in either ~~1984~~ 1994 or ~~1985~~ 1995, in which case the taxing unit may, after approval by the voters in the taxing unit, levy each year thereafter an additional number of mills but may not levy more than the 3-year average number of mills levied for that purpose during ~~1984~~ 1994, ~~1985~~ 1995, and ~~1986~~ 1996.

(d) If a taxing unit's taxable valuation decreases by more than 5% in any year, it may levy additional mills by following either procedure provided for in subsection (7)(a).

~~(8) (a) Except as provided in subsection (8)(b), if a taxing unit has levied additional mills under subsection (7)(a) to compensate for a decrease in taxable valuation, it may continue to levy additional mills to equal the revenue from property taxes for the 1986 tax year when the taxing unit's taxable valuation is greater than 95% but less than 100% of the taxing unit's taxable valuation in tax year 1986.~~

~~(b) When the taxable valuation of a taxing unit that levied additional mills under subsection (7)(a) or (8)(a) is equal to or greater than the taxing unit's taxable valuation in tax year 1986, it may not levy additional mills to compensate for a subsequent decrease in taxable valuation unless the conditions of subsection (7)(a) are satisfied.~~

~~(9)(6)~~ The limitation on the amount of taxes levied does not apply to the following levy or special assessment categories, whether or not they are based on commitments made before or after approval of 15-10-401 and 15-10-402:

- (a) rural improvement districts;
- (b) special improvement districts;
- (c) levies pledged for the repayment of bonded indebtedness, including tax increment bonds;
- (d) city street maintenance districts;
- (e) tax increment financing districts;
- (f) satisfaction of judgments against a taxing unit;
- (g) street lighting assessments;
- (h) revolving funds to support any categories specified in this subsection ~~(9)~~ (6);
- (i) levies for economic development authorized pursuant to 90-5-112(4);
- (j) levies authorized under 7-6-502 for juvenile detention programs;
- (k) levies authorized under 76-15-531 and 76-15-532 for conservation district special administrative assessments;
- (l) elementary and high school districts; and
- (m) voted poor fund levies authorized under 53-2-322.

~~(10)(7)(a)~~ The limitation on the amount of taxes levied does not apply in a taxing unit if the voters in the taxing unit approve an increase in tax liability:

(i) following a resolution of the governing body of the taxing unit containing:

- ~~(a)(A)~~ a finding that there are insufficient funds to adequately operate the taxing unit as a result of 15-10-401 and 15-10-402;
- ~~(b)(B)~~ an explanation of the nature of the financial emergency;
- ~~(c)(C)~~ an estimate of the amount of funding shortfall expected by the taxing unit;
- ~~(d)(D)~~ a statement that applicable fund balances are or by the end of the fiscal year will be depleted;
- ~~(e)(E)~~ a finding that there are no alternative sources of revenue;
- ~~(f)(F)~~ a summary of the alternatives that the governing body of the taxing unit has considered; and
- ~~(g)(G)~~ a statement of the need for the increased revenue and how it will be used; or

(ii) by a vote pursuant to this subsection (7)(a)(ii). The approval or rejection of a levy that does not follow

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the procedure in subsection (7)(a)(i) is decided in the following manner:

(A) determine the total number of qualified electors of the taxing unit from the list of electors supplied by the county registrar for the election;

(B) determine the total number of qualified electors who voted at the taxing unit election from the tally sheets for the election; and

(C) calculate the percentage of qualified electors voting at the election by dividing the number determined in subsection (7)(a)(ii)(A) by the number determined in subsection (7)(a)(ii)(B).

(b) When the calculated percentage in subsection (7)(a)(ii)(C) is 40% or more, the levy is considered to have been approved and adopted if a majority of the votes are cast in favor of the proposition, otherwise it is considered to have been rejected.

(c) The election provisions of this section do not apply to school levy elections.

~~(11)~~(8) (a) The limitation on the amount of taxes levied does not apply to levies required to address the funding of relief of suffering of inhabitants caused by famine, conflagration, or other public calamity.

(b) The limitation set forth in this chapter on the amount of taxes levied does not apply to levies to support:

(i) a city-county board of health as provided in Title 50, chapter 2, if the governing bodies of the taxing units served by the board of health determine, after a public hearing, that public health programs require funds to ensure the public health. A levy for the support of a local board of health may not exceed the 5-mill limit established in 50-2-111.

(ii) county, city, or town ambulance services authorized by a vote of the electorate under 7-34-102(2); and

(iii) a rail authority, as provided in Title 7, chapter 14, part 16, authorized by a board of county commissioners. A levy for the support of a rail authority may not exceed the 6-mill limit established in 7-14-1632.

~~(12)~~(9) The limitation on the amount of taxes levied by a taxing jurisdiction subject to a statutory maximum mill levy does not prevent a taxing jurisdiction from increasing its number of mills beyond the statutory maximum mill levy to produce revenue equal to its ~~1986~~ 1996 revenue.

~~(13)~~(10) The limitation on the amount of taxes levied does not apply to a levy increase to repay taxes paid under protest in accordance with 15-1-402.

~~(14)~~(11) A taxing jurisdiction that included special improvement district revolving fund levies in the limitation on the amount of taxes levied prior to April 22, 1993, may continue to include the amount of the levies within the dollar amount due in each taxing unit for the 1986 tax year even if the necessity for the revolving fund has diminished and the levy authority has been transferred."

Section 17. Section 15-36-323, MCA, is amended to read:

"15-36-323. Calculation of unit value. For the purposes of distribution of oil and natural gas production taxes to county and school taxing units for production from pre-1985 wells, the department shall determine the unit value of oil and natural gas for each taxing unit as follows:

(1) Subject to the conditions of subsection (3), the unit value for oil for each taxing unit is the quotient obtained by dividing the net proceeds taxes calculated on oil produced and sold in that taxing unit in calendar year 1988 by the number of barrels of oil produced in that taxing unit during 1988, excluding post-1985 wells.

(2) Subject to the conditions of subsection (3), the unit value for natural gas is the quotient obtained by dividing the net proceeds taxes calculated on natural gas produced and sold in that taxing unit in calendar year 1988 by the number of cubic feet of natural gas produced in that taxing unit during 1988, excluding post-1985 wells.

(3) The amount of net proceeds taxes calculated under subsections (1) and (2) may not include the amount of taxes that are attributable to a ~~financial emergency~~ voted levy, as described in 15-10-412~~(10)~~(7), for which additional mills were levied in fiscal year 1990."

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Section 18. Section 77-1-208, MCA, is amended to read:

"77-1-208. Cabin site licenses and leases -- method of establishing value. (1) The board shall set the annual fee based on full market value for each cabin site and for each licensee or lessee who at any time wishes to continue or assign the license or lease. The fee must attain full market value based on appraisal of the cabin site value as determined by the department of revenue. The licensee or lessee has the option to pay the entire fee on March 1 or to divide the fee into two equal payments due March 1 and September 1. The value may be increased or decreased as a result of the statewide periodic revaluation of property pursuant to 15-7-111 without any adjustments as a result of phasing in values. An appeal of a cabin site value determined by the department of revenue must be conducted pursuant to Title 15, chapter 2.

(2) The board shall set the fee of each initial cabin site license or lease or each current cabin site license or lease of a person who does not choose to retain the license or lease. The initial fee must be based upon a system of competitive bidding. The fee for a person who wishes to retain that license or lease must be determined under the method provided for in subsection (1).

(3) The board shall follow the procedures set forth in 77-6-302 through 77-6-306 for the disposal or valuation of any fixtures or improvements placed upon the property by the then-current licensee or lessee and shall require the subsequent licensee or lessee whose bid is accepted by the board to purchase those fixtures or improvements in the manner required by the board."

NEW SECTION. Section 19. Property tax committee. (1) There is an interim property tax committee. The committee consists of 12 members. The speaker of the house shall appoint six house members, three from each party, and the senate committee on committees shall appoint six senate members, three from each party.

(2) The committee may study all aspects of the state property tax system and shall prepare a menu of alternatives to revise, reform, or replace the property tax system. The alternatives should include methods that remove volatility from the valuation of property. The alternative methods should include options designed to supplement or replace the current valuation system in order to prevent the exclusive reliance on market value.

(3) In order to provide a wide-ranging series of options for consideration, each individual member of the committee may pursue proposals independently and receive staff assistance on the proposals. The committee may discuss and make suggestions on all proposals. A vote of one-fourth of the members may include a proposal on the menu of alternatives. The menu of alternatives must be presented to the 56th legislature.

(4) The committee may solicit the advice of appropriate persons and entities as the committee considers necessary.

(5) The legislative branch shall provide staff support to the committee. The committee may contract for services as the committee considers necessary.

NEW SECTION. Section 11. Extension of 1997 deadlines relating to property taxation. As a result of the change in the phase in of reappraisal for class three, four, and ten property enacted by the 55th legislature, it is not possible to comply with certain statutory deadlines relating to appraisals, assessments, reimbursements, budgets, and collection of property taxes. The state appraisal and assessment process will be delayed, which in turn will cause delays for the tax appeal boards and local government taxing jurisdiction budgeting and collection processes. Therefore, for tax year 1997, all deadlines are extended as necessary and reasonable, except the time limits allowed for filing an appeal remain the same as provided by law in order to allow for the orderly and efficient assessment and collection of taxes.

NEW SECTION. Section 12. Appropriation. There is appropriated from the general fund to the legislative branch \$100,000 for the biennium for operating expenses and personnel services for operations of the property tax committee established in [section 10].

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NEW SECTION. Section 13. Appropriation carryover. Notwithstanding the provisions of 17-7-304, the department of revenue may carry over into the fiscal year commencing July 1, 1997, up to \$425,000 of the unexpended portion of the appropriation to the department for the biennium ending June 30, 1997.

NEW SECTION. Section 14. Repealer. Section 15-10-411, MCA, is repealed.

NEW SECTION. Section 15. Effective date -- retroactive applicability. [This act] is effective on passage and approval, and [sections 1 through 9] apply retroactively, within the meaning of 1-2-109, to property tax years beginning after December 31, 1996."

And that this Free Conference Committee report be adopted.

For the Senate:

Harp, Chairman
Crippen
Halligan

For the House:

Hibbard, Chairman
Story
Harrington

Free Conference Committee
on House Bill 517
Report No. 1, April 16, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 517 and recommend that House Bill 517 be amended as follows:

1. Title, line 18.

Following: "MEMBER;"

Insert: "REQUIRING DELINEATION OF WAGES OR SALARY WITHHELD ON AN EMPLOYEE'S OR MEMBER'S REGULAR PAYCHECK; ESTABLISHING A PENALTY AND REQUIRING A REFUND TO AN EMPLOYEE OR MEMBER OF ILLEGALLY WITHHELD WAGES OR SALARY;"

Following: "SECTION"

Strike: "13-35-227"

Insert: "13-37-128"

2. Page 1, line 22 through page 2, line 29.

Strike: section 1 in its entirety

Insert: "NEW SECTION. Section 1. Withholding of wages or salary for political purposes -- authorization required. (1) A corporation, a labor or professional organization, or an employer:

(a) may not withhold a portion of an employee's or member's wages or salary as funds to be used for political purposes without obtaining prior authorization for the withholding and the amount of the withholding from the employee or member; and

(b) shall delineate on the stub of employee's or member's regular paycheck:

(i) the amount withheld from wages or salary collected as membership dues; and

(ii) the amount withheld as funds to be used for political purposes.

(2) A person who violates this section is subject to the civil penalty and refund provisions provided in 13-37-128.

(3) As used in this section, "funds to be used for political purposes" means funds used to advocate the

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election or defeat of any political party, political committee, ballot issue, or candidate. The term does not include the cost of any communication by any membership organization or corporation to its shareholders, employees, or members as long as the organization or corporation is not a primary political committee.

Section 2. Section 13-37-128, MCA, is amended to read:

"13-37-128. Cause of action created. (1) Except as provided in 13-37-306, any person who intentionally or negligently violates any of the reporting provisions of this chapter, ~~shall be~~ is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contributions or expenditures, whichever is greater.

(2) Any person who makes or receives a contribution or expenditure in violation of 13-35-225, 13-35-227, 13-35-228, [section 1], or this chapter is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contribution or expenditure, whichever is greater.

(3) A corporation, a labor or professional organization, or an employer who withholds wages or salary in violation of [section 1] shall refund to the employee or member the total amount of wages or salary illegally withheld."

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, part 2, apply to [section 1]."

And this Free Conference Committee report be adopted.

For the House:

Sliter, Chairman
Vick

For the Senate:

Foster, Chairman
Thomas

Free Conference Committee
on House Bill 547
Report No. 1, April 17, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 547 and recommend that House Bill 547 be amended as follows:

1. Title, lines 9 and 10.

Strike: "ENTITIES" on line 9 and "REPRESENTING" on line 10

2. Title, line 12.

Strike: "ENTITIES REPRESENTING"

3. Title, line 14.

Following: "SERVICES;"

Insert: "ALLOWING THE DEPARTMENT OF LIVESTOCK TO CAPTURE, TEST, QUARANTINE, VACCINATE, AND SELL LIVE WILD BUFFALO OR BISON TO HELP DEFRAY COSTS INCURRED AS PART OF THE DISEASE CONTROL PROGRAM; ALLOWING THE DEPARTMENT

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OF LIVESTOCK TO TRANSFER BRUCELLOSIS-FREE WILD BUFFALO OR BISON TO QUALIFIED TRIBAL ENTITIES UNDER CERTAIN CONDITIONS; PROVIDING THAT REVENUE GENERATED IN EXCESS OF FUNDS NEEDED FOR THE WILD BUFFALO OR BISON DISEASE CONTROL PROGRAM BE STATUTORILY APPROPRIATED TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FOR THE PURPOSES OF AWARDING GRANTS TO THE MONTANA FOOD BANK NETWORK;"

4. Title, line 14.

Following: "17-7-502,"

Insert: "81-2-120,"

5. Page 2.

Following: line 17

Insert: "Section 2. Section 81-2-120, MCA, is amended to read:

"81-2-120. Management of wild buffalo or bison for disease control. (1) Whenever a publicly owned wild buffalo or bison from a herd that is infected with a dangerous disease enters the state of Montana on public or private land and the disease may spread to persons or livestock or whenever the presence of wild buffalo or bison may jeopardize Montana's compliance with other state-administered or federally administered livestock disease control programs, the department may, under a plan approved by the governor, use any feasible method in taking one or more of the following actions:

(a) The live wild buffalo or bison may be physically removed by the safest and most expeditious means from within the state boundaries, including but not limited to hazing and aversion tactics or capture, transportation, quarantine, or delivery to a department-approved slaughterhouse.

(b) The live wild buffalo or bison may be destroyed by the use of firearms. If a firearm cannot be used for reasons of public safety or regard for public or private property, the animal may be relocated to a place that is free from public or private hazards and destroyed by firearms or by a humane means of euthanasia.

(c) The live wild buffalo or bison may be captured, tested, quarantined, and vaccinated. Wild buffalo or bison that are certified by the state veterinarian as brucellosis-free may be:

(i) sold to help defray the costs that the department incurs in building, maintaining, and operating necessary facilities related to the capture, testing, quarantine, or vaccination of the wild buffalo or bison;
or

(ii) transferred to qualified tribal entities that participate in the disease control program provided for in this subsection (1)(c). Acquisition of wild buffalo or bison by a qualified tribal entity must be done in a manner that does not jeopardize compliance with a state-administered or federally administered livestock disease control program. The department may adopt rules consistent with this section governing tribal participation in the program or enter into cooperative agreements with tribal organizations for the purposes of carrying out the disease control program.

(d) Proceeds from the sale of live, brucellosis-free, vaccinated wild buffalo or bison must be deposited in the state special revenue fund to the credit of the department.

(e) Any revenue generated in excess of the costs referred to in subsection (1)(c)(i) must be deposited in the state special revenue fund provided for in 87-1-513(2).

(2) Whenever the department is responsible for the death of a wild buffalo or bison, either purposefully or unintentionally, the carcass of the animal must be disposed of by the most economical means, including but not limited to burying, incineration, rendering, or field dressing for donation or delivery to a department-approved slaughterhouse or slaughter destination.

(3) In disposing of the carcass, the department:

(a) as first priority, may donate a wild buffalo or bison carcass to a charity or to an Indian tribal organization; or

(b) may sell a wild buffalo or bison carcass to help defray expenses of the department. If the carcass is

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sold in this manner, the department shall deposit any revenue derived from the sale of the wild buffalo or bison carcass to the state special revenue fund to the credit of the department.

(4) The department may adopt rules with regard to management of publicly owned wild buffalo or bison that enter Montana on private or public land and that are from a herd that is infected with a contagious disease that may spread to persons or livestock and may jeopardize compliance with other state-administered or federally administered livestock disease control programs." "

Renumber: subsequent sections

6. Page 3, line 11.

Strike: "entities representing"

7. Page 4, line 8.

Strike: "entities representing"

8. Page 4, line 9.

Strike: "MAY"

Insert: "must"

9. Page 4, line 10.

Strike: "ONLY"

Following: "MEAT."

Insert: "Any grant funds remaining after donated game animal meat is processed may be used for other appropriate purposes by the Montana food bank network."

And this Free Conference Committee report be adopted.

For the House:

Rehbein, Chairman
Anderson
Carey

For the Senate:

Grosfield, Chairman
Nelson
Mesaros

Conference Committee
on Senate Bill 283
Report No. 1, April 17, 1997

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 283, met and considered the House Standing Committee amendments.

We recommend that Senate Bill 283 be amended further as follows:

1. Title, line 5.

Following: "PARENTS"

Insert: ", IF AVAILABLE,"

2. Title, line 8.

Strike: "BE ACCOMPANIED"

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Insert: "INCLUDE STATEMENTS, IF ANY, MADE"

3. Title, line 9.

Strike: "PARENTS' STATEMENTS"

Following: "STATEMENT"

Strike: "OF"

Insert: "PARENTS REGARDING"

4. Title, line 10.

Following: "OR"

Insert: "MUST ALLOW"

5. Title, line 11.

Following: "PETITION"

Insert: ", EXCEPT IN EMERGENCY CASES"

6. Page 2, line 2.

Following: "AVAILABLE,"

Insert: ", if they are reasonably available,"

7. Page 2, line 6.

Following: "PETITION"

Insert: ", except an order for immediate protection of the youth,"

8. Page 2, line 8.

Strike: "WRITTEN"

Following: "STATEMENTS"

Insert: ", if any,"

9. Page 3, line 6.

Strike: "MUST ALSO CONTAIN WRITTEN STATEMENTS PREPARED"

Insert: ", affidavit, or report of the department must contain information regarding statements, if any, made"

10. Page 3, lines 8 and 9.

Following: "petition" on line 8

Strike: remainder of line 8 through "OF" on line 9

Insert: ". Except as provided in 41-3-403,"

Following: "PARENTS"

Strike: ", WHO"

11. Page 3, line 15.

Following: "STATEMENTS"

Insert: ", if any,"

12. Page 3, line 17.

Strike: "OR OF THE PARENTS' REMARKS IN COURT IN RELATION TO THE PETITION"

Insert: "and any accompanying affidavit or report to the court,"

And that this Conference Committee report be adopted.

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For the Senate:

Holden, Chairman
Burnett
Bartlett

For the House:

Grinde, Chairman
M. Hanson
Kottel

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House recess until 3:00 p.m. Motion carried.

House recessed at 10:55 a.m.

House reconvened at 3:00 p.m. Mr. Speaker in the Chair.

Roll call. All members present. Quorum present.

MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 272**. Motion carried.

Mr. Speaker appointed the following members:

Representative Rose, Chairman
Representative Bohlinger
Representative McCulloch

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 57**. Motion carried.

Mr. Speaker appointed the following members:

Representative Story, Chairman
Representative Rose
Representative Ream

SB 389 - Representative Boharski moved the House reconsider its action on SB 389 taken on second reading the previous legislative day. Motion carried. (55-44)

SB 44 - Representative Grinde moved the House dissolve the conference committee on SB 44 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to SB 44. Motion carried.

Mr. Speaker appointed the following members:

Representative Anderson, Chairman

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Representative McGee
Representative Ellingson

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 374 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Denny, Devaney, Ellis, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Mood, Ohs, Quilici, Rose, Simon, Simpkins, Sliter, Soft, Story, Stovall, Tash, Taylor, Wagner, Wiseman, Zook, Mr. Speaker.
Total 50

Noes: Adams, Arnott, Barnhart, Brainard, Carey, Cobb, Curtiss, DeBruycker, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, Jore, Kottel, Krenzler, McCann, McCulloch, Menahan, Molnar, Orr, Pease, Peck, Prouse, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wyatt.
Total 47

Excused: None.
Total 0

Absent or not voting: Cocchiarella, Pavlovich, Smith.
Total 3

HB 210 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Devaney, Ellingson, Ellis, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Rose, Ryan, Schmidt, Simpkins, Simpson, Smith, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Walters, Whitehead, Wiseman, Wyatt, Zook.
Total 60

Noes: Adams, Anderson, Arnott, Bankhead, Bergsagel, Boharski, Brainard, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ewer, Feland, H.S. Hanson, Holland, R. Johnson, Jore, Kasten, Keenan, McGee, Molnar, Orr, Peck, Prouse, Raney, Ream, Rehbein, Sands, Simon, Sliter, Soft, Story, Trexler, Tuss, Vick, Wagner, Wells, Mr. Speaker.
Total 39

Excused: None.
Total 0

Absent or not voting: Barnhart.
Total 1

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HB 599 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Brainard, DeBruycker, Ewer, Hagener, Heavy Runner, Hurdle, Jore, Ream.

Total 8

Excused: None.

Total 0

Absent or not voting: Anderson.

Total 1

HB 298, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Whitehead, Wiseman, Mr. Speaker.

Total 62

Noes: Adams, Arnott, Bankhead, Bergman, Bergsagel, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Grady, Grinde, Holland, Hurdle, Jore, Kasten, Keenan, Masolo, McCann, McGee, Molnar, Orr, Prouse, Raney, Rehbein, Sliter, Smith, Tuss, Vick, Wagner, Wells, Wyatt, Zook.

Total 36

Excused: None.

Total 0

Absent or not voting: Bitney, Simpson.

Total 2

SB 85, free conference committee report, adopted as follows:

Ayes: Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan,

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Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 67

Noes: Adams, Ahner, Anderson, Arnott, Barnett, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Grady, Grinde, Holland, Jore, Kasten, Keenan, Knox, Lawson, McGee, Molnar, Orr, Prouse, Rehbein, Sliter, Story, Taylor, Trexler, Vick, Wagner, Zook.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 99, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 84

Noes: Adams, Barnhart, Boharski, Brainard, Clark, DeBruycker, Ellingson, Hurdle, Jore, Keenan, Krenzler, Prouse, Tropila, Tuss, Wyatt.

Total 15

Excused: None.

Total 0

Absent or not voting: Rehbein.

Total 1

SB 207, conference committee report, not adopted as follows:

Ayes: Ahner, Anderson, Beaudry, Bergman, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grinde, Hagener, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Knox, Kottel, Krenzler, Marshall, McCulloch, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook.

Total 49

Noes: Adams, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Feland, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Holland, Hurdle, Jore, Kasten, Keenan, Kitzenberg, Lawson, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Orr, Peck, Prouse, Rehbein, Simpkins, Simpson, Sliter, Smith, Story, Taylor, Trexler, Vick, Wagner,

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Wells, Mr. Speaker.
Total 51

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 51, Governor's amendments, concurred in as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 71

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Denny, Feland, M. Hanson, Hayne, Jore, Keenan, McCann, McGee, Mills, Molnar, Orr, Prouse, Rehbein, Sliter, Story, Taylor, Trexler, Vick, Wagner, Walters.
Total 28

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

HB 101 - as amended by the Senate, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Mood, Ohs, Orr, Pease, Peck, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 68

Noes: Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Menahan, Molnar, Pavlovich, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 31

Excused: None.
Total 0

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Absent or not voting: Stovall.

Total 1

HB 136 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Ream, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 74

Noes: Adams, Arnott, Barnhart, Brainard, Cobb, Curtiss, Dowell, Ewer, Heavy Runner, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kottel, McCann, Molnar, Peck, Prouse, Raney, Rehbein, Schmidt, Swanson, Tuss, Vick, Wyatt.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Clark in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 102 - Representative Beaudry moved the free conference committee report to HB 102 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 91

Noes: Boharski, Hagener, Hurdle, Krenzler, Simpson, Squires, Tropila.

Total 7

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Excused: None.

Total 0

Absent or not voting: Anderson, Mr. Speaker.

Total 2

HB 164 - Representative Tuss moved the free conference committee report to HB 164 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Denny, Jore, Keenan, Orr, Peck, Vick.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 339 - Representative Carey moved the free conference committee report to HB 339 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Curtiss, DeBruycker, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Trexler, Tropila, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Arnott, Barnhart, Boharski, Cobb, Cocchiarella, Denny, Devaney, Ewer, Harper, Harrington, Jore, Orr, Prouse, Raney, Squires, Taylor, Tuss, Wagner, Wyatt.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HB 346 - Representative Tropila moved the free conference committee report to HB 346 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Lawson.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 388 - Representative H. Hanson moved the free conference committee report to HB 388 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Arnott, Boharski, Brainard, Denny, Feland, Grinde, Jore, Keenan, Molnar, Orr, Prouse, Sliter, Smith, Vick, Wagner.

Total 16

Excused: None.

Total 0

Absent or not voting: Devaney.

Total 1

SB 71 - Representative Ellis moved the conference committee report to SB 71 be adopted. Motion carried as follows:

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Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Devaney, Ellis, Ewer, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Krenzler, Marshall, Masolo, McCann, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 76

Noes: Adams, Barnhart, Brainard, Cobb, DeBruycker, Denny, Dowell, Ellingson, Galvin, Gillan, Harper, Kitzenberg, Kottel, Lawson, McCulloch, McGee, Pease, Prouse, Smith, Squires, Wagner, Whitehead, Wyatt.
Total 23

Excused: None.
Total 0

Absent or not voting: Tuss.
Total 1

SB 381 - Representative Grimes moved the conference committee report to SB 381 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simpkins, Sliter, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 57

Noes: Barnhart, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 43

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 389 - Representative Boharski moved SB 389 be concurred in.

Representative Boharski moved SB 389, second reading copy, be amended as follows (amendment #1):

1. Title, line 13.
Following: "PROVIDING"
Insert: "A CONTINGENT EFFECTIVE PROVISION AND"

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2. Page 7, line 28.

Insert: "NEW SECTION. Section 18. Contingent effectiveness. (1) If Senate Bill No. 195 is not passed and approved, then [this act] is effective on October 1, 1997.

(2) If Senate Bill No. 195 is passed and approved, then [this act] is effective only if a final judicial decision is rendered declaring the phase in of valuation of property in Senate Bill No. 195 invalid."

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 93

Noes: Ewer, Galvin, Heavy Runner, Krenzler, Pease, Whitehead, Wyatt.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion to concur in SB 389, as amended, failed as follows:

Ayes: Adams, Arnott, Bankhead, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Dowell, Feland, Grimes, Grinde, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Lawson, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Raney, Rehbein, Ryan, Simpkins, Sliter, Smith, Soft, Vick, Wagner, Walters, Wells, Mr. Speaker.

Total 46

Noes: Ahner, Anderson, Barnett, Barnhart, Bohlinger, Carey, Cocchiarella, Denny, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Sands, Schmidt, Simon, Simpson, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed.

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Mr. Speaker in the Chair. Chairman Clark moved that the Committee of the Whole report be adopted. Report adopted. (79-20)

MESSAGES FROM THE SENATE

Free conference committee report #1 adopted: 4/17/97

SB 99, introduced by Thomas

House bill concurred in and returned to the House: 4/17/97

HB 601, introduced by Harrington

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 4/17/97

HB 597, introduced by Rose

Free conference committee report #1 adopted: 4/17/97

HB 78, introduced by Simpkins

HB 285, introduced by Sliter

House amendments to Senate bills concurred in: 4/17/97

SB 130, introduced by Holden

SB 280, introduced by Van Valkenburg

SB 300, introduced by Thomas

The Senate, on 4/17/97, rejected House amendments to **SB 57**, appointed a conference committee, and requested the House to appoint a like committee to confer on **SB 57**.

President Aklestad appointed the following members:

Senator Devlin, Chairman

Senator DePratu

Senator Waterman

The Senate, on 4/17/97, rejected House amendments to **SB 272**, appointed a conference committee, and requested the House to appoint a like committee to confer on **SB 272**.

President Aklestad appointed the following members:

Senator Aklestad, Chairman

Senator Glaser

Senator Van Valkenburg

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ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 10:00 a.m., Friday, April 18, 1997. Motion carried.

House adjourned at 4:16 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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EIGHTY-THIRD LEGISLATIVE DAY**

Helena, Montana
April 18, 1997

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Carey. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Knox, Wells, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eightieth and eighty-first legislative days, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/18/97

Correctly enrolled: HB 29, HB 117, HB 285, HB 293, HB 434, HB 536, HB 163, HB 27, HB 572.

Examined by the sponsor and found to be correct: HB 74, HB 123, HB 139, HB 483, HB 555, HB 591, HB 607, HB 615, HB 27, HB 29, HB 117, HB 163, HB 285, HB 293, HB 434, HB 536, HB 572.

Signed by the Speaker at 11:53 a.m., April 18, 1997: HB 572.

Delivered to the Secretary of State at 10:00 a.m., April 18, 1997: HJR 24.

Delivered to the Governor for his approval at 9:20 a.m., April 18, 1997: HB 193, HB 251, HB 281, HB 189, HB 521, HB 207, HB 594, HB 266, HB 576, HB 202, HB 567, HB 20, HB 447.

Delivered to the Governor for his approval at 12:05 p.m., April 18, 1997: HB 572.

Delivered to the Governor for his approval at 3:55 p.m., April 18, 1997: HB 118, HB 151, HB 121, HB 184, HB 406, HB 444, HB 308, HB 352, HB 491, HB 185, HB 263, HB 140, HB 89, HB 276, HB 519.

Mr. Speaker introduced an additional page for the week:

James Micheletti, Billings

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 17

Report No. 1, April 17, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 17 and recommend that House Bill 17 be amended as follows:

1. Page 3, line 11.
Following: "waivers."
Insert: "(1)"
Strike: ":",

2. Page 3, line 12.

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Strike: "(1)"

3. Page 3, line 13.

Strike: " ; "

Insert: " . "

4. Page 3, line 14.

Following: "(2)"

Insert: "The regents may:"

(a)"

5. Page 3, line 19.

Strike: "(3)"

Insert: "(b)"

Renumber: subsequent subsections

6. Page 3, line 21.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

7. Page 4, line 5.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

8. Page 4, line 8.

Strike: "(6)"

Insert: "(3) If funds are available after the waivers provided for in subsection (2), the regents may"

Following: "tuition"

Strike: " , WHEN SPACE IS AVAILABLE IN THE SPECIFIC CLASS REQUESTED,"

9. Page 4, lines 10 through 14.

Following: " _ "

Strike: remainder of line 10 through " _ " on line 14

And this Free Conference Committee report be adopted.

For the House:

Kitzenberg, Chairman

Wiseman

Pavlovich

For the Senate:

Toews, Chairman

Hargrove

Stang

Free Conference Committee
on Senate Bill 44
Report No. 3, April 18, 1997

Mr. President and Mr. Speaker:

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We, your Free Conference Committee on Senate Bill 44, met and considered the Conference Committee Report No. 1 amendments to Senate Bill 44 dated April 16, 1997.

We recommend that Senate Bill 44 be amended as follows:

1. Page 1, line 14.

Strike: "OR"

Insert: ", "

2. Page 1, line 15.

Following: "paid"

Insert: ", or the number of separate premiums paid"

3. Page 2, lines 1 through 3.

Strike: "REGARDLESS" on line 1 through "LOSS" on line 3

Insert: "An insurer that charges a premium for a specified coverage shall clearly inform or notify the insured in writing of the limits of the coverage with respect to the premium charged and whether the coverage from one policy or motor vehicle may be added to the coverage of another policy or motor vehicle"

And that this Free Conference Committee report be adopted.

For the Senate:

Holden, Chairman
Halligan
Crippen

For the House:

Anderson, Chairman
Ellingson
McGee

Conference Committee
on Senate Bill 272
Report No. 1, April 17, 1997

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 272, met and considered the House amendments to SB 272 dated April 9, 1997.

We recommend that the House amendments to Senate Bill 272 be rejected.

And that this Conference Committee report be adopted.

For the Senate:

Aklestad, Chairman
Glaser
Van Valkenburg

For the House:

Rose, Chairman
Bohlinger
McCulloch

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MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 114 sponsored by Representative McCulloch on April 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 170 sponsored by Representative Ahner on April 17, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 17, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 575 sponsored by Representative Rehbein et al. on April 17, 1997.

Sincerely,

MARC RACICOT
Governor

Representative Grinde moved the House recess until 11:00 a.m. Motion carried.

House recessed at 10:05 a.m.

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House reconvened at 11:10 a.m. Mr. Speaker in the Chair.

REPORTS OF SELECT COMMITTEES

Conference Committee
on House Bill 584
Report No. 1, April 18, 1997

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered House Bill 584 and recommend that House Bill 584 be amended as follows:

1. Page 7, line 16.

Strike: "2"

Insert: "1"

2. Page 7, line 17.

Strike: "2"

Insert: "1"

3. Page 8, line 5.

Strike: "(d)" through " ;"

Renumber: subsequent subsection

4. Page 8, lines 10 through 13.

Strike: "allocated" on line 10 through "revenue" on line 13

Insert: "transferred to the general"

And this Conference Committee report be adopted.

For the House:

Beaudry
Quilici

For the Senate:

Grosfield, Chairman
Mahlum
Franklin

MESSAGES FROM THE SENATE

The Senate, on 4/18/97, rejected House amendments to **SB 374**, appointed a free conference committee, and requested the House to appoint a like committee to confer on SB 374.

President Aklestad appointed the following members:

Senator Hargrove, Chairman
Senator Holden
Senator Waterman

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MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 18, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 384 sponsored by Representative Ellis et al. on April 18, 1997.

Sincerely,

MARC RACICOT
Governor

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Devaney in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 83 - Representative Bergsagel moved the free conference committee report to HB 83 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Prouse, Quilici, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 72

Noes: Barnhart, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kottel, Krenzler, McCulloch, Pavlovich, Pease, Peck, Raney, Ream, Sands, Schmidt, Squires, Whitehead, Wyatt.
Total 27

Voted Absentee: Wells, Aye.

Excused: Knox.
Total 1

Absent or not voting: None.
Total 0

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HB 99 - Representative Trexler moved the conference committee report to HB 99 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Wells, Aye.

Excused: Knox.

Total 1

Absent or not voting: Ewer.

Total 1

HB 135 - Representative Smith moved the free conference committee report to HB 135 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Wells, Aye.

Excused: Knox.

Total 1

Absent or not voting: None.

Total 0

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Representative Sliter assumed the Chair at this time.

HB 188 - Representative Denny moved the free conference committee report to HB 188 be adopted. Motion carried as follows:

Ayes: Anderson, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Adams, Arnott, Bankhead, Barnhart, Bergsagel, Boharski, Brainard, Clark, Cobb, DeBruycker, Ellingson, Feland, Heavy Runner, Jore, Kasten, Keenan, McCann, McGee, Molnar, Mood, Orr, Peck, Prouse, Raney, Rehbein, Tuss, Vick, Wagner, Walters, Wyatt.

Total 30

Voted Absentee: Wells, Aye.

Excused: Knox.

Total 1

Absent or not voting: Ahner, Grinde.

Total 2

HB 345 - Representative Masolo moved the free conference committee report to HB 345 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Ellis, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kitzenberg, Lawson, Marshall, Masolo, McCann, Menahan, Mills, Mood, Ohs, Pease, Peck, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wiseman, Zook, Mr. Speaker.

Total 55

Noes: Adams, Arnott, Barnhart, Bergsagel, Boharski, Brainard, Cobb, Dowell, Ewer, Feland, Galvin, Gillan, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kottel, Krenzler, McCulloch, McGee, Molnar, Orr, Pavlovich, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Story, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt.

Total 43

Voted Absentee: Wells, No.

Excused: Knox.

Total 1

Absent or not voting: Denny.

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Total 1

Representative Devaney resumed the Chair at this time.

HB 369 - Representative Brainard moved the free conference committee report to HB 369 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Wyatt.

Total 1

Voted Absentee: Wells, Aye.

Excused: Knox.

Total 1

Absent or not voting: DeBruycker, Ewer, Sliter.

Total 3

HB 389 - Representative Simon moved the free conference committee report to HB 389 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Wells, Aye.

Excused: Knox.

Total 1

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Absent or not voting: None.

Total 0

HB 398 - Representative R. Johnson moved the free conference committee report to HB 398 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 77

Noes: Arnott, Bergsagel, Boharski, Brainard, Cobb, Curtiss, Feland, Holland, Jore, Kasten, Keenan, McGee, Molnar, Orr, Prouse, Raney, Sliter, Smith, Tuss, Vick, Wagner, Wyatt.

Total 22

Voted Absentee: Wells, Aye.

Excused: Knox.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Devaney moved that the Committee of the Whole report be adopted. Report adopted. (86-10)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 102, free conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Ellingson, Ewer, Hagener, Harper, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Orr,

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Schmidt, Simpson, Swanson.
Total 14

Voted Absentee: Wells, Aye.

Excused: Knox.
Total 1

Absent or not voting: Squires.
Total 1

HB 164, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Adams, Arnott, Boharski, Denny, Holland, Jore, Keenan, Molnar, Orr, Peck, Vick.
Total 11

Voted Absentee: Wells, Aye.

Excused: Knox.
Total 1

Absent or not voting: None.
Total 0

HB 339, free conference committee report, adopted as follows:

Ayes: Adams, Ahner, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Curtiss, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Pease, Peck, Quilici, Ream, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Story, Stovall, Swanson, Tash, Trexler, Tropila, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 72

Noes: Arnott, Barnhart, Bergsagel, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ewer, Harper, Harrington, Jore, Kasten, Mood, Orr, Pavlovich, Prouse, Raney, Rehbein, Ryan, Smith, Squires, Taylor, Tuss, Wagner, Wyatt.
Total 26

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Voted Absentee: Wells, Aye.

Excused: Knox.

Total 1

Absent or not voting: Anderson.

Total 1

HB 346, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Boharski, Brainard, Jore, Keenan, Orr, Prouse, Rehbein, Smith, Vick, Wagner.

Total 11

Voted Absentee: Wells, Aye.

Excused: Knox.

Total 1

Absent or not voting: None.

Total 0

HB 388, free conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Mood, Ohs, Peck, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 79

Noes: Barnhart, Ellingson, Feland, Hagener, Harper, Harrington, Hayne, Kottel, Krenzler, Menahan, Molnar, Orr, Pavlovich, Pease, Prouse, Quilici, Smith, Swanson, Wagner, Wyatt.

Total 20

Voted Absentee: Wells, Aye.

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Excused: Knox.

Total 1

Absent or not voting: None.

Total 0

SB 71, conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Ellingson, Ellis, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Adams, Brainard, Cocchiarella, DeBruycker, Dowell, Ewer, Galvin, Gillan, Heavy Runner, Jore, Kasten, McGee, Orr, Pease, Prouse, Smith, Tuss, Wagner, Wells, Whitehead.

Total 20

Voted Absentee: Wells, No.

Excused: Knox.

Total 1

Absent or not voting: None.

Total 0

SB 381, conference committee report, not adopted as follows:

Ayes: Adams, Anderson, Arnott, Barnett, Beaudry, Bergman, Bergsagel, Boharski, Bookout, Brainard, Clark, DeBruycker, Denny, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Jore, Kitzenberg, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Rehbein, Rose, Simon, Simpkins, Sliter, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Zook.

Total 47

Noes: Ahner, Bankhead, Barnhart, Bitney, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kottel, Krenzler, Lawson, McCulloch, Menahan, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Smith, Soft, Squires, Swanson, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 52

Voted Absentee: Wells, Aye.

Excused: Knox.

Total 1

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Absent or not voting: None.
Total 0

REPORTS OF SELECT COMMITTEES

Conference Committee
on Senate Bill 339
Report No. 1, April 18, 1997

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 339, met and considered the House Committee of the Whole amendments dated April 4, 1997.

We recommend that Senate Bill 339 be amended further as follows:

1. Title, line 5.
Following: "76-3-207,"
Insert: ", 76-3-201,"

2. Page 5.
Following: line 9
Insert: "Section 2. Section 76-3-201, MCA, is amended to read:

"76-3-201. Exemption for certain divisions of land. (1) Unless the method of disposition is adopted for the purpose of evading this chapter, the requirements of this chapter ~~shall~~ may not apply to any division of land ~~which that~~:

(1)(a) is created by order of any court of record in this state or by operation of law or ~~which that~~, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain, (Title 70, chapter 30);

(2)(b) is created to provide security for construction mortgages, liens, or trust indentures;

(3)(c) creates an interest in oil, gas, minerals, or water ~~which that~~ is ~~now or hereafter~~ severed from the surface ownership of real property;

(4)(d) creates cemetery lots;

(5)(e) is created by the reservation of a life estate;

(6)(f) is created by lease or rental for farming and agricultural purposes.

(2) Before a court of record orders a division of land under subsection (1)(a), the court shall notify the governing body of the pending division and allow the governing body to present written comment on the division.""

Renumber: subsequent sections

3. Page 6, line 8.
Following: "TRACTS"
Strike: "OF" through "SUBDIVISIONS"

And that this Conference Committee report be adopted.

For the Senate:

For the House:

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Beck, Chairman
Grosfield
Eck

Stovall, Chairman
Swanson

MOTIONS

SB 207 - Representative Grinde moved the House dissolve the conference committee on SB 207 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to SB 207. Motion carried.

Mr. Speaker appointed the following members:

Representative Arnott, Chairman
Representative Stovall
Representative Peck

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 374**. Motion carried.

Mr. Speaker appointed the following members:

Representative Soft, Chairman
Representative Boharski
Representative Sands

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House recess until 1:30 p.m. Motion carried.

House recessed at 12:16 p.m.

House reconvened at 1:35 p.m. Mr. Speaker in the Chair.

MESSAGES FROM THE SENATE

Free conference committee reports adopted:

4/18/97

HB 102, introduced by Beaudry
HB 164, introduced by Tuss
HB 298, introduced by R. Johnson
HB 339, introduced by Carey
HB 346, introduced by Tropila
HB 388, introduced by Simon

Free conference committee report #2 adopted:

4/18/97

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SB 85, introduced by Jergeson

Conference committee report #1 adopted:

4/18/97

SB 71, introduced by Toews

SB 207, introduced by Jabs

SB 251, introduced by Stang

SB 381, introduced by Benedict

House amendments to Senate bills concurred in:

4/18/97

SB 354, introduced by Waterman

SB 372, introduced by Waterman

SB 386, introduced by Gage

SB 390, introduced by Thomas

SB 396, introduced by Foster

The Senate, on 4/18/97, on motion duly carried, dissolved the conference committee on House amendments to **SB 57**, and the President was authorized to appoint a free conference committee. The House was requested to appoint a like committee to confer on **SB 57**.

President Aklestad appointed the following members:

Senator Devlin, Chairman

Senator DePratu

Senator Waterman

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer

Speaker of the House

State Capitol

Helena, Montana 59620

April 18, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 408 sponsored by Representative Trexler on April 18, 1997.

Sincerely,

MARC RACICOT

Governor

The Honorable John Mercer

Speaker of the House

State Capitol

Helena, Montana 59620

April 18, 1997

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Dear Representative Mercer:

Please be informed that I have signed House Bill 422 sponsored by Representative Gillan et al. on April 18, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 18, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 468 sponsored by Representative Gillan et al. on April 18, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 18, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 543 sponsored by Representative Schmidt et al. on April 18, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 18, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 571 sponsored by Representative Beaudry et al. on April 18, 1997.

Sincerely,

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MARC RACICOT
Governor

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Devaney in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 517 - Representative Vick moved the free conference committee report to HB 517 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 59

Noes: Barnhart, Beaudry, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Trexler, Tropila, Tuss, Whitehead, Wyatt.
Total 39

Voted Absentee: Wells, Aye.

Excused: Knox.
Total 1

Absent or not voting: Grimes.
Total 1

HB 547 - Representative Rehbein moved the free conference committee report to HB 547 be adopted. Motion carried as follows:

Ayes: Anderson, Bankhead, Barnett, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Cobb, DeBruycker, Denny, Devaney, Ellis, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Kitzenberg, Knox, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Mood, Ohs, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simpkins, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Wells, Wiseman, Zook, Mr. Speaker.
Total 51

Noes: Adams, Arnott, Barnhart, Beaudry, Bitney, Boharski, Brainard, Clark, Cocchiarella, Curtiss, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore,

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Keenan, Kottel, Krenzler, Lawson, Menahan, Molnar, Orr, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Squires, Swanson, Tuss, Vick, Wagner, Walters, Whitehead, Wyatt.

Total 48

Voted Absentee: Knox, Wells, Ayes.

Excused: None.

Total 0

Absent or not voting: Ahner.

Total 1

SB 367 - Representative Grinde moved consideration of SB 367 be placed below SB 44 on the second reading board. Motion carried.

Representative Grinde moved the House recess until 3:00 p.m. Motion carried.

House recessed at 2:24 p.m.

House reconvened at 3:10 p.m. Chairman Devaney in the Chair.

Roll call. Quorum present.

Representative Kitzenberg excused at this time.

SB 195 - Representative Hibbard moved the free conference committee report to SB 195 be adopted.

Representative Pavlovich moved for cloture. Motion carried.

Motion to adopt committee report carried as follows:

Ayes: Ahner, Anderson, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Clark, Denny, Devaney, Ellingson, Ellis, Feland, Grady, Grimes, Grinde, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Mood, Ohs, Rehbein, Rose, Simpkins, Simpson, Sliter, Smith, Soft, Story, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 50

Noes: Adams, Arnott, Bankhead, Barnhart, Bergsagel, Boharski, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Dowell, Ewer, Galvin, Gillan, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Keenan, Kottel, Krenzler, McCann, McCulloch, Menahan, Molnar, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Squires, Stovall, Swanson, Tropila, Tuss, Wagner, Whitehead, Wyatt.
Total 49

Voted Absentee: Kitzenberg, Knox, Wells, Ayes.

Excused: None.

Total 0

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Absent or not voting: Prouse.

Total 1

Upon procedural question, a second vote to adopt committee report carried as follows:

Ayes: Ahner, Anderson, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Clark, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Mood, Ohs, Rehbein, Rose, Simpkins, Simpson, Sliter, Smith, Soft, Story, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 50

Noes: Adams, Arnott, Bankhead, Barnhart, Bergsagel, Boharski, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kottel, Krenzler, McCann, McCulloch, Menahan, Molnar, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Squires, Stovall, Swanson, Tropila, Tuss, Wagner, Whitehead, Wyatt.
Total 49

Voted Absentee: Kitzenberg, Knox, Wells, Ayes.

Excused: None.

Total 0

Absent or not voting: Prouse.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Devaney moved that the Committee of the Whole report be adopted. Report adopted. (52-48)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 83, free conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Keenan, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Pavlovich, Prouse, Quilici, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wiseman, Zook, Mr. Speaker.
Total 66

Noes: Barnhart, Brainard, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Harper, Harrington, Heavy Runner, Hurdle, Kasten, Kottel, McCulloch, Orr, Pease, Peck, Raney, Ream, Sands, Schmidt, Squires, Tropila, Tuss, Whitehead, Wyatt.
Total 29

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Excused: Kitzenberg, Knox, Wells.
Total 3

Absent or not voting: Mood, Ohs.
Total 2

HB 99, conference committee report, adopted as follows:

Ayes: Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Jore, Keenan, Orr, Rehbein, Taylor, Vick, Wagner.
Total 12

Excused: Kitzenberg, Knox, Wells.
Total 3

Absent or not voting: Ahner, H.S. Hanson, McGee, Prouse.
Total 4

HB 135, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Cocchiarella, Hurdle, Jore, Kasten, Keenan, Orr, Prouse, Ream, Sands, Tuss.
Total 15

Excused: Kitzenberg, Knox, Wells.
Total 3

Absent or not voting: Simpkins.
Total 1

HB 188, free conference committee report, adopted as follows:

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Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 70

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Brainard, Cobb, DeBruycker, Feland, Jore, Kasten, Keenan, McCann, Molnar, Orr, Pease, Peck, Prouse, Raney, Rehbein, Simpson, Sliter, Tuss, Vick, Wagner, Walters.

Total 26

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: Ellis.

Total 1

HB 345, free conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Mood, Ohs, Peck, Rehbein, Rose, Simon, Simpkins, Sliter, Soft, Stovall, Tash, Taylor, Trexler, Wiseman, Zook, Mr. Speaker.

Total 53

Noes: Arnott, Barnhart, Brainard, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Keenan, Kottel, Krenzler, McCulloch, Menahan, Molnar, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Smith, Squires, Story, Swanson, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wyatt.

Total 45

Voted Absentee: Knox, Aye.

Excused: Kitzenberg, Wells.

Total 2

Absent or not voting: None.

Total 0

HB 369, free conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr,

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Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Hagener, Krenzler, Pavlovich, Peck, Tuss, Wyatt.

Total 6

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: None.

Total 0

HB 389, free conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: DeBruycker, Feland, Kasten, Wagner.

Total 4

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: Grady.

Total 1

HB 398, free conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 75

Noes: Arnott, Barnhart, Bergsagel, Bitney, Boharski, Brainard, Cobb, Feland, Jore, Kasten, Keenan, McCann, Molnar, Orr, Prouse, Sliter, Smith, Story, Vick, Wagner, Wyatt.

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Total 21

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: Heavy Runner.

Total 1

MOTIONS

SB 381 - Representative Grimes moved the House reconsider its action on SB 381 taken on third reading the previous legislative day. Motion carried. (56-43)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 381, conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Gillan, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, Kitzenberg, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simpkins, Sliter, Smith, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 58

Noes: Bankhead, Barnhart, Beaudry, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Lawson, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Soft, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 41

Voted Absentee: Kitzenberg, Wells, Ayes.

Excused: Knox.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

SB 57 - Representative Grinde moved the House dissolve the conference committee on SB 57 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to SB 57. Motion carried.

Mr. Speaker appointed the following members:

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Representative Story, Chairman
Representative Rose
Representative Ream

Representative Ream excused at this time.

SB 153 - Representative Curtiss moved the House reconsider its action on SB 153 taken on second reading a previous legislative day. Motion failed due to 2/3 vote requirement. (58-35)

SB 195 - Representative H. Hanson moved the House reconsider its action on SB 195 taken on second reading this legislative day. Motion carried. (54-44)

Representative Rehbein excused at this time.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Devaney in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 195 - Representative Hibbard moved the free conference committee report to SB 195 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Mood, Ohs, Rehbein, Rose, Simpkins, Simpson, Sliter, Smith, Soft, Story, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 52

Noes: Adams, Arnott, Bankhead, Barnhart, Boharski, Carey, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kottel, Krenzler, McCann, McCulloch, Menahan, Molnar, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Squires, Stovall, Swanson, Tropila, Tuss, Wagner, Whitehead, Wyatt.

Total 48

Voted Absentee: Kitzenberg, Knox, Rehbein, Wells, Ayes; Ream, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed.

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Mr. Speaker in the Chair. Chairman Devaney moved that the Committee of the Whole report be adopted. Report adopted. (49-44)

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill 57
Report No. 1, April 18, 1997

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 57, met and considered Senate Bill 57 in its entirety.

We recommend that Senate Bill 57 be amended as follows:

1. Title, line 7.

Strike: "CERTAIN"

2. Title, line 9.

Following: "PRICE;"

Insert: "TAXING AUTOMOBILES, TRUCKS HAVING A MANUFACTURER'S RATED CAPACITY OF 1 TON OR LESS, VANS, AND SPORT UTILITY VEHICLES AT 2 PERCENT OF THE DEPRECIATED VALUE OF THE MANUFACTURER'S SUGGESTED RETAIL PRICE;"

3. Title, lines 16 through 18.

Strike: "PROVIDING" on line 16 through "VEHICLE;" on line 18

4. Title, line 21.

Following: "~~15-8-201~~;"

Insert: "15-8-201,"

5. Title, line 22.

Following: "~~61-3-501~~;"

Insert: "61-3-501,"

6. Title, line 23.

Strike: "AND"

7. Title, line 24.

Following: "5"

Insert: "AND 61-12-402,"

8. Page 1, line 30.

Following: "~~the~~"

Insert: "valuation and taxation of light motor vehicles and for the"

9. Page 2, line 3.

Following: "~~and~~"

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Insert: "the manufacturer's suggested retail price, an alternative valuation when the manufacturer's suggested retail price is unavailable, the date of manufacture for vehicles not commercially manufactured for consumer purchase, and"

10. Page 2.

Following: line 6

Insert: "(1) the methods for determining the valuation of light motor vehicles for taxation purposes;"

Renumber: subsequent subsection

11. Page 2, line 8.

Strike: "AND"

12. Page 2.

Following: line 12

Insert: "(3) the methods for determining the manufacturer's suggested retail price for the valuation of motor vehicles;

(4) the procedures for establishing an equitable alternative value for vehicles that do not have a published manufacturer's suggested retail price; and"

Renumber: subsequent subsection

13. Page 2, line 18 through page 44, line 23.

Strike: Everything after the enacting clause

Insert: "Section 14. Section 7-1-2111, MCA, is amended to read:

"7-1-2111. Classification of counties. (1) For the purpose of regulating the compensation and salaries of all county officers, not otherwise provided for, and for fixing the penalties of officers' bonds, the counties of this state must be classified according to the taxable valuation of the property in the counties upon which the tax levy is made, except for vehicles subject to taxation under 61-3-504(2), as follows:

(a) first class--all counties having a taxable valuation of \$50 million or ~~over~~ more;

(b) second class--all counties having a taxable valuation of ~~more than~~ \$30 million or more and less than \$50 million;

(c) third class--all counties having a taxable valuation of ~~more than~~ \$20 million or more and less than \$30 million;

(d) fourth class--all counties having a taxable valuation of ~~more than~~ \$15 million or more and less than \$20 million;

(e) fifth class--all counties having a taxable valuation of ~~more than~~ \$10 million or more and less than \$15 million;

(f) sixth class--all counties having a taxable valuation of ~~more than~~ \$5 million or more and less than \$10 million;

(g) seventh class--all counties having a taxable valuation of less than \$5 million.

(2) As used in this section, taxable valuation means the taxable value of taxable property in the county as of the time of determination plus:

(a) that portion of the taxable value of the county on December 31, 1981, attributable to automobiles and trucks having a rated capacity of three-quarters of a ton or less;

(b) that portion of the taxable value of the county on December 31, 1989, attributable to automobiles and trucks having a manufacturer's rated capacity of more than three-quarters of a ton but less than or equal to 1 ton;

(c) that portion of the taxable value of the county on December 31, 1997, attributable to buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors;

(d) the value provided by the department of revenue under 15-36-324(10); and

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~~(d)~~(e) 6% of the taxable value of the county on January 1 of each tax year."

Section 15. Section 15-6-138, MCA, is amended to read:

"15-6-138. Class eight property -- description -- taxable percentage. (1) Class eight property includes:

- (a) all agricultural implements and equipment;
 - (b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;
 - (c) all manufacturing machinery, fixtures, equipment, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;
 - (d) all trailers and semitrailers, ~~including those prorated under 15-24-102~~, except those ~~subject to taxation under 61-3-504(2) or~~ exempt under 15-6-201(1)(v);
 - (e) all goods and equipment intended for rent or lease, except goods and equipment specifically included and taxed in another class;
 - (f) ~~buses and trucks having a rated capacity of more than 1 ton, including those prorated under 15-24-102;~~
 - ~~(g)~~ truck toppers weighing more than 300 pounds;
 - ~~(g)~~ special mobile equipment as defined in 61-1-104;
 - (h) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;
 - (i) x-ray and medical and dental equipment;
 - (j) citizens' band radios and mobile telephones;
 - (k) radio and television broadcasting and transmitting equipment;
 - (l) cable television systems;
 - (m) coal and ore haulers;
 - (n) theater projectors and sound equipment; and
 - (o) all other property not included in any other class in this part, except that property subject to a fee in lieu of a property tax.
- (2) As used in this section, "coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds per axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.
- (3) "Commercial establishment" includes any hotel; motel; office; petroleum marketing station; or service, wholesale, retail, or food-handling business.
- (4) Class eight property is taxed at:
- (a) 9% of its market value for tax years ending on or before December 31, 1995;
 - (b) 8% of its market value for tax year 1996;
 - (c) 7% of its market value for tax year 1997; and
 - (d) 6% of its market value for tax years beginning after December 31, 1997."

Section 16. Section 15-6-201, MCA, is amended to read:

"15-6-201. Exempt categories. (1) The following categories of property are exempt from taxation:

- (a) except as provided in 15-24-1203, the property of:
 - (i) the United States, except:
 - (A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or
 - (B) as provided in 15-24-1103;
 - (ii) the state, counties, cities, towns, and school districts;
 - (iii) irrigation districts organized under the laws of Montana and not operating for profit;
 - (iv) municipal corporations;
 - (v) public libraries; and
 - (vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;

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- (b) buildings, with land they occupy and furnishings in the buildings, owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of the buildings;
- (c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.
- (d) property that is:
 - (i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;
 - (ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and
 - (iii) not maintained and operated for private or corporate profit;
- (e) property owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;
- (f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;
- (g) public museums, art galleries, zoos, and observatories not used or held for private or corporate profit;
- (h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;
- (i) a truck canopy cover or topper weighing less than 300 pounds and having no accommodations attached. This property is also exempt from taxation under 61-3-504(2) and 61-3-537.
- (j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;
- (k) motor homes, travel trailers, and campers;
- (l) all watercraft;
- (m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;
- (n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;
- (o) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, the mentally ill, or the vocationally handicapped as defined in 18-5-101 and that is not operated for gain or profit and property owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit;
- (p) all farm buildings with a market value of less than \$500 and all agricultural implements and machinery with a market value of less than \$100;
- (q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.
- (r) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:
 - (i) construct, repair, and maintain improvements to real property; or
 - (ii) repair and maintain machinery, equipment, appliances, or other personal property;
- (s) harness, saddlery, and other tack equipment;

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- (t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;
- (u) timber as defined in 15-44-102;
- (v) all trailers and semitrailers that have a licensed gross weight of 26,000 pounds or more or that are registered through a proportional registration agreement under 61-3-721. For purposes of this subsection (1)(v), the terms "trailer" and "semitrailer" mean a vehicle with or without motive power that is:
 - (i) designed and used only for carrying property;
 - (ii) designed and used to be drawn by a motor vehicle; and
 - (iii) either constructed so that no part of its weight rests upon the towing vehicle or constructed so that some part of its weight and the weight of its load rests upon or is carried by another vehicle.
- (w) all vehicles registered under 61-3-456;
- (x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and
(ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (1)(x)(i); and
(y) motorcycles and quadricycles.
- (2) (a) For the purposes of subsection (1)(e), the term "institutions of purely public charity" includes any organization that meets the following requirements:
 - (i) The organization qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.
 - (ii) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.
- (b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:
 - (i) actually used by the governmental entity or nonprofit organization as a part of its public display;
 - (ii) held for future display; or
 - (iii) used to house or store a public display.
- (3) The following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:
 - (a) \$20,000 in the case of a single-family residential dwelling;
 - (b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure."

Section 17. Section 15-8-111, MCA, is amended to read:

"15-8-111. Assessment -- market value standard -- exceptions. (1) All taxable property must be assessed at 100% of its market value except as otherwise provided.

(2) (a) Market value is the value at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

(b) If the department uses construction cost as one approximation of market value, the department shall fully consider reduction in value caused by depreciation, whether through physical depreciation, functional obsolescence, or economic obsolescence.

(c) Except as provided in subsection (3), the market value of all motor trucks; special mobile equipment and agricultural tools, implements, and machinery; and vehicles of all kinds is the average wholesale value

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shown in national appraisal guides and manuals or the value of the vehicle before reconditioning and profit margin. The department shall prepare valuation schedules showing the average wholesale value when a national appraisal guide does not exist.

(3) The department may not adopt a lower or different standard of value from market value in making the official assessment and appraisal of the value of property, except:

(a) the wholesale value for agricultural implements and machinery is the loan value as shown in the Official Guide, Tractor and Farm Equipment, published by the national farm and power equipment dealers association, St. Louis, Missouri;

(b) for agricultural implements and machinery not listed in the official guide, the department shall prepare a supplemental manual in which the values reflect the same depreciation as those found in the official guide; and

(c) as otherwise authorized in Title 15 and Title 61.

(4) For purposes of taxation, assessed value is the same as appraised value.

(5) The taxable value for all property is the percentage of market or assessed value established for each class of property.

(6) The assessed value of properties in 15-6-131 through 15-6-133 is as follows:

(a) Properties in 15-6-131, under class one, are assessed at 100% of the annual net proceeds after deducting the expenses specified and allowed by 15-23-503 or, if applicable, as provided in 15-23-515, 15-23-516, 15-23-517, or 15-23-518.

(b) Properties in 15-6-132, under class two, are assessed at 100% of the annual gross proceeds.

(c) Properties in 15-6-133, under class three, are assessed at 100% of the productive capacity of the lands when valued for agricultural purposes. All lands that meet the qualifications of 15-7-202 are valued as agricultural lands for tax purposes.

(d) Properties in 15-6-143, under class ten, are assessed at 100% of the forest productivity value of the land when valued as forest land.

(7) Land and the improvements on the land are separately assessed when any of the following conditions occur:

(a) ownership of the improvements is different from ownership of the land;

(b) the taxpayer makes a written request; or

(c) the land is outside an incorporated city or town."

Section 18. Section 15-8-201, MCA, is amended to read:

"15-8-201. General assessment day. (1) The department shall, between January 1 and the second Monday of July in each year, ascertain the names of all taxable inhabitants and assess all property subject to taxation in each county. The department shall assess property to the person by whom it was owned or claimed or in whose possession or control it was at midnight of the preceding January 1. The department shall also ascertain and assess all mobile homes arriving in the county after midnight of the preceding January 1. A mistake in the name of the owner or supposed owner of real property does not invalidate the assessment.

(2) The procedure provided by this section does not apply to:

(a) motor vehicles ~~that are required by 15-8-202 to be assessed on January 1 or upon their anniversary registration date;~~

(b) motor homes, travel trailers, and campers;

(c) watercraft;

(d) livestock;

(e) property defined in 61-1-104 as "special mobile equipment" that is subject to assessment for personal property taxes on the date that application is made for a special mobile equipment plate;

(f) mobile homes held by a distributor or dealer of mobile homes as stock in trade; and

(g) property subject to the provisions of 15-16-203.

(3) Credits must be assessed as provided in 15-1-101(1)(f)."

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Section 19. Section 15-8-202, MCA, is amended to read:

"15-8-202. Motor vehicle assessment by department of justice. (1) ~~(a) The department shall, in each year, ascertain and assess all motor vehicles, other than motor homes, travel trailers, and campers or mobile homes, in each county subject to taxation as of January 1 or as of the anniversary registration date of those vehicles as provided by law, subject to 61-3-313 through 61-3-316 and 61-3-501. The assessment for department of justice shall assess all motor light vehicles, must be made subject to 61-3-313 through 61-3-316 and 61-3-501, for taxation in accordance with 61-3-503.~~

(b) The department of justice shall determine the fee in lieu of tax for all buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors in accordance with [sections 32 and 33].

(c) ~~The motor vehicles~~ Taxes or fees in lieu of tax on motor vehicles under this subsection (1) must be assessed or imposed in each year ~~to on~~ the persons ~~by whom who~~ owned or claimed the motor vehicles or in whose possession or control ~~they were at midnight of January 1 or the motor vehicle was on~~ the anniversary registration date, ~~whichever is applicable.~~

(2) A tax ~~or fee in lieu of tax~~ may not be assessed or imposed against motor vehicles subject to taxation ~~or to a fee in lieu of tax~~ that constitute inventory of motor vehicle dealers as of January 1. These vehicles and all other motor vehicles subject to taxation ~~or a fee in lieu of tax that are~~ brought into the state ~~subsequent to after~~ January 1 as motor vehicle dealers' inventories must be assessed to their respective purchasers as of the dates the vehicles are registered by the purchasers.

(3) "Purchasers" includes dealers who apply for registration or reregistration of motor vehicles, except as otherwise provided by 61-3-502.

(4) Goods, wares, and merchandise of motor vehicle dealers, other than new motor vehicles and new mobile homes, must be assessed at market value as of January 1."

Section 20. Section 15-16-202, MCA, is amended to read:

"15-16-202. Boats, snowmobiles, and motor vehicles -- payment of current and back taxes and fees. (1) The fee in lieu of personal property taxes assessed against a boat for the year in which application for decals is made and the immediately previous year must be paid before license decals may be issued pursuant to 23-2-515.

(2) The fee in lieu of tax imposed on a snowmobile for the year in which application for registration is made and the immediately previous year must be paid before a snowmobile may be registered pursuant to 23-2-616.

(3) Except for mobile homes as defined in 15-1-101, the new motor vehicle sales tax and the ~~personal property~~ motor vehicle tax or fee in lieu of tax imposed or assessed against a motor vehicle for the current year and the immediately previous year must be paid before a motor vehicle may be registered or reregistered pursuant to 61-3-303.

(4) The provisions of subsections (1) through (3) do not require payment of the immediately previous year's taxes or fees if ~~such~~ the taxes or fees have already been paid."

Section 21. Section 15-50-207, MCA, is amended to read:

"15-50-207. Credit against other taxes -- credit for personal property taxes and certain fees. (1) The additional license fees withheld or otherwise paid as provided ~~herein in this chapter~~ may be used as a credit on the contractor's corporation license tax provided for in chapter 31 of this title or on the contractor's income tax provided for in chapter 30, depending upon the type of tax the contractor is required to pay under the laws of the state.

(2) Personal property taxes and the fee in lieu of tax on buses, trucks having a manufacturer's rated capacity of more than 1 ton, or truck tractors as provided in [section 33] paid in Montana on any personal property or vehicle of the contractor ~~which that~~ is used in the business of the contractor and is located within this state may be credited against the license fees required under this chapter. However, in

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computing the tax credit allowed by this section against the contractor's corporation license tax or income tax, the ~~personal property~~ tax credit against the license fees ~~herein~~ required ~~shall~~ under this chapter may not be considered as license fees paid for the purpose of ~~such~~ the income tax or corporation license tax credit."

Section 22. Section 20-9-141, MCA, is amended to read:

"20-9-141. Computation of general fund net levy requirement by county superintendent. (1) The county superintendent shall compute the levy requirement for each district's general fund on the basis of the following procedure:

(a) Determine the funding required for the district's final general fund budget less the sum of direct state aid and the special education allowable cost payment for the district by totaling:

(i) the district's nonisolated school BASE budget requirement to be met by a district levy as provided in 20-9-303; and

(ii) any general fund budget amount adopted by the trustees of the district under the provisions of 20-9-308 and 20-9-353, including any additional funding for a general fund budget that exceeds the maximum general fund budget.

(b) Determine the money available for the reduction of the property tax on the district for the general fund by totaling:

(i) the general fund balance reappropriated, as established under the provisions of 20-9-104;

(ii) amounts received in the last fiscal year for which revenue reporting was required for each of the following:

(A) tuition payments for out-of-district pupils under the provisions of 20-5-321 through 20-5-323;

(B) revenue from ~~property~~ taxes and fees imposed under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, 61-3-527, 61-3-537, [section 33], and 67-3-204;

(C) oil and natural gas production taxes;

(D) interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4);

(E) revenue from corporation license taxes collected from financial institutions under the provisions of 15-31-702; and

(F) any other revenue received during the school fiscal year that may be used to finance the general fund, excluding any guaranteed tax base aid; and

(iii) pursuant to subsection (4), anticipated revenue from coal gross proceeds under 15-23-703.

(c) Notwithstanding the provisions of subsection (2), subtract the money available to reduce the property tax required to finance the general fund that has been determined in subsection (1)(b) from any general fund budget amount adopted by the trustees of the district, up to the BASE budget amount, to determine the general fund BASE budget levy requirement.

(d) Subtract any amount remaining after the determination in subsection (1)(c) from any additional funding requirement to be met by an over-BASE budget amount, a district levy as provided in 20-9-303, and any additional financing as provided in 20-9-353 to determine any additional general fund levy requirements.

(2) The county superintendent shall calculate the number of mills to be levied on the taxable property in the district to finance the general fund levy requirement for any amount that does not exceed the BASE budget amount for the district by dividing the amount determined in subsection (1)(c) by the sum of:

(a) the amount of guaranteed tax base aid that the district will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the taxable valuation of the district divided by 1,000.

(3) The net general fund levy requirement determined in subsections (1)(c) and (1)(d) must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the general fund net levy requirement for the district, and a levy must be set by the county commissioners in accordance with 20-9-142.

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(4) For each school district, the department of revenue shall calculate and report to the county superintendent the amount of revenue anticipated for the ensuing fiscal year from revenue from coal gross proceeds under 15-23-703."

Section 23. Section 20-9-331, MCA, is amended to read:

"20-9-331. Basic county tax and other revenues for county equalization of the elementary district BASE funding program. (1) The county commissioners of each county shall levy an annual basic tax of 33 mills on the dollar of the taxable value of all taxable property within the county, except for property subject to a tax or fee under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, 61-3-527, 61-3-537, [section 33], and 67-3-204, for the purposes of local and state BASE funding program support. The revenue collected from this levy must be apportioned to the support of the elementary BASE funding programs of the school districts in the county and to the state general fund in the following manner:

(a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the total of the BASE funding programs of all elementary districts of the county.

(b) If the basic levy and other revenue prescribed by this section produce more revenue than is required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to the state treasurer for deposit to the state general fund immediately upon occurrence of a surplus balance and each subsequent month thereafter, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) The revenue realized from the county's portion of the levy prescribed by this section and the revenue from the following sources must be used for the equalization of the elementary BASE funding program of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county treasurer in accordance with 20-9-212(1):

(a) the portion of the federal Taylor Grazing Act funds distributed to a county and designated for the common school fund under the provisions of 17-3-222;

(b) the portion of the federal flood control act funds distributed to a county and designated for expenditure for the benefit of the county common schools under the provisions of 17-3-232;

(c) all money paid into the county treasury as a result of fines for violations of law, except money paid to a justice's court, and the use of which is not otherwise specified by law;

(d) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established or referred to in this section;

(e) any federal or state money distributed to the county as payment in lieu of property taxation, including federal forest reserve funds allocated under the provisions of 17-3-213;

(f) gross proceeds taxes from coal under 15-23-703;

(g) oil and natural gas production taxes;

(h) anticipated local government severance tax payments for calendar year 1995 production as provided in 15-36-325; and

(i) anticipated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, 61-3-527, 61-3-537, [section 33], and 67-3-204."

Section 24. Section 20-9-333, MCA, is amended to read:

"20-9-333. Basic special levy and other revenue for county equalization of high school district BASE funding program. (1) The county commissioners of each county shall levy an annual basic special tax for high schools of 22 mills on the dollar of the taxable value of all taxable property within the county, except for property subject to a tax or fee under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, 61-3-527, 61-3-537, [section 33], and 67-3-204, for the purposes of local and state BASE funding program support. The revenue collected from this levy must be apportioned to the support of the BASE funding programs of high school districts in the county and to the state general fund in the following manner:

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- (a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the sum of the county's high school tuition obligation and the total of the BASE funding programs of all high school districts of the county.
- (b) If the basic levy and other revenue prescribed by this section produce more revenue than is required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to the state treasurer for deposit to the state general fund immediately upon occurrence of a surplus balance and each subsequent month thereafter, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.
- (2) The revenue realized from the county's portion of the levy prescribed in this section and the revenue from the following sources must be used for the equalization of the high school BASE funding program of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county treasurer in accordance with 20-9-212(1):
 - (a) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established in this section;
 - (b) any federal or state money distributed to the county as payment in lieu of property taxation, including federal forest reserve funds allocated under the provisions of 17-3-213;
 - (c) gross proceeds taxes from coal under 15-23-703;
 - (d) oil and natural gas production taxes;
 - (e) anticipated local government severance tax payments for calendar year 1995 production as provided in 15-36-325; and
 - (f) anticipated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, 61-3-527, 61-3-537, [section 33], and 67-3-204."

Section 25. Section 20-9-360, MCA, is amended to read:

"20-9-360. State equalization aid levy. (1) There is a levy of 40 mills imposed by the county commissioners of each county on all taxable property within the state, except property for which a tax or fee is required under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, 61-3-527, 61-3-537, [section 33], and 67-3-204. Except as provided in subsection (2), proceeds of the levy must be remitted to the state treasurer and must be deposited to the credit of the state general fund for state equalization aid to the public schools of Montana.

(2) For the benefit of each municipality that created an urban renewal area and adopted a tax increment financing provision for the urban renewal area prior to July 1, 1990, the state treasurer shall distribute each fiscal year from the state equalization aid levy to the municipality the amount, if any, equal to the product of the incremental taxable value of the urban renewal area times the reduced school levy for the area, each calculated for the fiscal year. The reduced school levy for a fiscal year is the difference between the aggregate amount of all property tax levies for school purposes in the urban renewal area, expressed in mills, in the fiscal year ended June 30, 1989, and the aggregate amount of all property tax levies for school purposes in the area or the district, expressed in mills, in the fiscal year, including the state equalization aid levy. The state treasurer shall distribute the amounts to municipalities in two equal installments on December 31 and June 30 of the fiscal year."

Section 26. Section 20-9-501, MCA, is amended to read:

"20-9-501. Retirement fund. (1) The trustees of a district employing personnel who are members of the teachers' retirement system or the public employees' retirement system or who are covered by unemployment insurance or who are covered by any federal social security system requiring employer contributions shall establish a retirement fund for the purposes of budgeting and paying the employer's contributions to the systems. The district's contribution for each employee who is a member of the teachers' retirement system must be calculated in accordance with Title 19, chapter 20, part 6. The

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district's contribution for each employee who is a member of the public employees' retirement system must be calculated in accordance with 19-3-316. The district's contributions for each employee covered by any federal social security system must be paid in accordance with federal law and regulation. The district's contribution for each employee who is covered by unemployment insurance must be paid in accordance with Title 39, chapter 51, part 11.

(2) The trustees of a district required to make a contribution to a system referred to in subsection (1) shall include in the retirement fund of the preliminary budget the estimated amount of the employer's contribution. After the final retirement fund budget has been adopted, the trustees shall pay the employer contributions to the systems in accordance with the financial administration provisions of this title.

(3) When the final retirement fund budget has been adopted, the county superintendent shall establish the levy requirement by:

(a) determining the sum of the money available to reduce the retirement fund levy requirement by adding:

(i) any anticipated money that may be realized in the retirement fund during the ensuing school fiscal year, including anticipated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, 61-3-527, 61-3-537, [section 33], and 67-3-204;

(ii) oil and natural gas production taxes;

(iii) anticipated local government severance tax payments for calendar year 1995 production as provided in 15-36-325;

(iv) coal gross proceeds taxes under 15-23-703;

(v) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the retirement fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the retirement fund. The retirement fund operating reserve may not be more than 35% of the final retirement fund budget for the ensuing school fiscal year and must be used for the purpose of paying retirement fund warrants issued by the district under the final retirement fund budget.

(vi) any other revenue anticipated that may be realized in the retirement fund during the ensuing school fiscal year, excluding any guaranteed tax base aid.

(b) notwithstanding the provisions of subsection (8), subtracting the money available for reduction of the levy requirement, as determined in subsection (3)(a), from the budgeted amount for expenditures in the final retirement fund budget.

(4) The county superintendent shall:

(a) total the net retirement fund levy requirements separately for all elementary school districts, all high school districts, and all community college districts of the county, including any prorated joint district or special education cooperative agreement levy requirements; and

(b) report each levy requirement to the county commissioners on the fourth Monday of August as the respective county levy requirements for elementary district, high school district, and community college district retirement funds.

(5) The county commissioners shall fix and set the county levy in accordance with 20-9-142.

(6) The net retirement fund levy requirement for a joint elementary district or a joint high school district must be prorated to each county in which a part of the district is located in the same proportion as the district ANB of the joint district is distributed by pupil residence in each county. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county as provided in 20-9-151.

(7) The net retirement fund levy requirement for districts that are members of special education cooperative agreements must be prorated to each county in which the district is located in the same proportion as the special education cooperative budget is prorated to the member school districts. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county in the same manner as provided in 20-9-151, and the county commissioners shall fix and levy the net retirement fund levy for each county in the same manner as provided in 20-9-152.

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(8) The county superintendent shall calculate the number of mills to be levied on the taxable property in the county to finance the retirement fund net levy requirement by dividing the amount determined in subsection (4)(a) by the sum of:

- (a) the amount of guaranteed tax base aid that the county will receive for each mill levied, as certified by the superintendent of public instruction; and
- (b) the taxable valuation of the district divided by 1,000."

Section 27. Section 20-10-144, MCA, is amended to read:

"20-10-144. Computation of revenue and net tax levy requirements for district transportation fund budget. Before the fourth Monday of July and in accordance with 20-9-123, the county superintendent shall compute the revenue available to finance the transportation fund budget of each district. The county superintendent shall compute the revenue for each district on the following basis:

(1) The "schedule amount" of the preliminary budget expenditures that is derived from the rate schedules in 20-10-141 and 20-10-142 must be determined by adding the following amounts:

- (a) the sum of the maximum reimbursable expenditures for all approved school bus routes maintained by the district (to determine the maximum reimbursable expenditure, multiply the applicable rate per bus mile by the total number of miles to be traveled during the ensuing school fiscal year on each bus route approved by the county transportation committee and maintained by the district); plus
- (b) the total of all individual transportation per diem reimbursement rates for the district as determined from the contracts submitted by the district multiplied by the number of pupil-instruction days scheduled for the ensuing school attendance year; plus
- (c) any estimated costs for supervised home study or supervised correspondence study for the ensuing school fiscal year; plus
- (d) the amount budgeted on the preliminary budget for the contingency amount permitted in 20-10-143, except if the amount exceeds 10% of the total of subsections (1)(a), (1)(b), and (1)(c) or \$100, whichever is larger, the contingency amount on the preliminary budget must be reduced to the limitation amount and used in this determination of the schedule amount; plus
- (e) any estimated costs for transporting a child out of district when the child has mandatory approval to attend school in a district outside the district of residence.

(2) (a) The schedule amount determined in subsection (1) or the total preliminary transportation fund budget, whichever is smaller, is divided by 2 and is used to determine the available state and county revenue to be budgeted on the following basis:

- (i) one-half is the budgeted state transportation reimbursement, except that the state transportation reimbursement for the transportation of special education pupils under the provisions of 20-7-442 must be 50% of the schedule amount attributed to the transportation of special education pupils; and
- (ii) one-half is the budgeted county transportation fund reimbursement and must be financed in the manner provided in 20-10-146.

(b) When the district has a sufficient amount of cash for reappropriation and other sources of district revenue, as determined in subsection (3), to reduce the total district obligation for financing to zero, any remaining amount of district revenue and cash reappropriated must be used to reduce the county financing obligation in subsection (2)(a)(ii) and, if the county financing obligations are reduced to zero, to reduce the state financial obligation in subsection (2)(a)(i).

(c) The county revenue requirement for a joint district, after the application of any district money under subsection (2)(b), must be prorated to each county incorporated by the joint district in the same proportion as the ANB of the joint district is distributed by pupil residence in each county.

(3) The total of the money available for the reduction of property tax on the district for the transportation fund must be determined by totaling:

- (a) anticipated federal money received under the provisions of Title I of Public Law 81-874 or other anticipated federal money received in lieu of that federal act;

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- (b) anticipated payments from other districts for providing school bus transportation services for the district;
 - (c) anticipated payments from a parent or guardian for providing school bus transportation services for a child;
 - (d) anticipated or reappropriated interest to be earned by the investment of transportation fund cash in accordance with the provisions of 20-9-213(4);
 - (e) anticipated or reappropriated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, 61-3-527, 61-3-537, [section 33], and 67-3-204;
 - (f) anticipated revenue from coal gross proceeds under 15-23-703;
 - (g) anticipated oil and natural gas production taxes;
 - (h) anticipated local government severance tax payments for calendar year 1995 production;
 - (i) anticipated transportation payments for out-of-district pupils under the provisions of 20-5-320 through 20-5-324;
 - (j) any other revenue anticipated by the trustees to be earned during the ensuing school fiscal year that may be used to finance the transportation fund; and
 - (k) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the transportation fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the transportation fund. The operating reserve may not be more than 20% of the final transportation fund budget for the ensuing school fiscal year and is for the purpose of paying transportation fund warrants issued by the district under the final transportation fund budget.
- (4) The district levy requirement for each district's transportation fund must be computed by:
- (a) subtracting the schedule amount calculated in subsection (1) from the total preliminary transportation budget amount; and
 - (b) subtracting the amount of money available to reduce the property tax on the district, as determined in subsection (3), from the amount determined in subsection (4)(a).
- (5) The transportation fund levy requirements determined in subsection (4) for each district must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the transportation fund levy requirements for the district, and the levy must be made by the county commissioners in accordance with 20-9-142."

Section 28. Section 20-10-146, MCA, is amended to read:

"20-10-146. County transportation reimbursement. (1) The apportionment of the county transportation reimbursement by the county superintendent for school bus transportation or individual transportation that is actually rendered by a district in accordance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction must be the same as the state transportation reimbursement payment, except that:

- (a) if any cash was used to reduce the budgeted county transportation reimbursement under the provisions of 20-10-144(2)(b), the annual apportionment is limited to the budget amount;
 - (b) when the county transportation reimbursement for a school bus has been prorated between two or more counties because the school bus is conveying pupils of more than one district located in the counties, the apportionment of the county transportation reimbursement must be adjusted to pay the amount computed under the proration; and
 - (c) when county transportation reimbursement is required under the mandatory attendance agreement provisions of 20-5-321.
- (2) The county transportation net levy requirement for the financing of the county transportation fund reimbursements to districts is computed by:
- (a) totaling the net requirement for all districts of the county, including reimbursements to a special education cooperative or prorated reimbursements to joint districts or reimbursements under the mandatory

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attendance agreement provisions of 20-5-321;

(b) determining the sum of the money available to reduce the county transportation net levy requirement by adding:

(i) anticipated money that may be realized in the county transportation fund during the ensuing school fiscal year, including anticipated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, 61-3-527, 61-3-537, [section 33], and 67-3-204;

(ii) oil and natural gas production taxes;

(iii) anticipated local government severance tax payments for calendar year 1995 production;

(iv) coal gross proceeds taxes under 15-22 703;

(v) any fund balance available for reappropriation from the end-of-the-year fund balance in the county transportation fund;

(vi) federal forest reserve funds allocated under the provisions of 17-3-213; and

(vii) other revenue anticipated that may be realized in the county transportation fund during the ensuing school fiscal year; and

(c) subtracting the money available, as determined in subsection (2)(b), to reduce the levy requirement from the county transportation net levy requirement.

(3) The net levy requirement determined in subsection (2)(c) must be reported to the county commissioners on the fourth Monday of August by the county superintendent, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) The county superintendent shall apportion the county transportation reimbursement from the proceeds of the county transportation fund. The county superintendent shall order the county treasurer to make the apportionments in accordance with 20-9-212(2) and after the receipt of the semiannual state transportation reimbursement payments."

NEW SECTION. Section 29. Light vehicle. "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

NEW SECTION. Section 30. Sport utility vehicle. "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that is constructed on a truck chassis or that has special features for occasional off-road use. The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.

Section 31. Section 61-3-101, MCA, is amended to read:

"61-3-101. Duties of department -- records. (1) The department shall keep a record as specified in this section of all motor vehicles, trailers, and semitrailers of every kind, ~~and~~ of certificates of registration and ownership of those vehicles, and of all manufacturers and dealers in motor vehicles.

(2) The record must show the following:

(a) name of owner, residence address by street or rural route, town, and county, and mailing address if different than residence address;

(b) name and address of conditional sales vendor, mortgagee, or other lienholder and amount due under contract or lien;

(c) manufacturer of vehicle;

(d) manufacturer's designation of style of vehicle;

(e) identifying number;

(f) year of manufacture;

(g) character of motive power and shipping weight of vehicle as shown by the manufacturer;

(h) the distinctive license number assigned to the vehicle, if any;

(i) if a truck or trailer, the number of tons' capacity or GVW if imprinted on manufacturer's identification

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plate;

(j) except as provided in 61-3-103, the name and complete address of any holder of a perfected security interest in the vehicle; and

(k) other information that may from time to time be found desirable.

(3) The department shall file applications for registration received by it from ~~the~~ county treasurers ~~of the state~~ and register the vehicles and the vehicle owners as follows:

(a) under the distinctive license number assigned to the vehicle by the county treasurer;

(b) alphabetically under the name of the owner;

(c) numerically under make and identifying number of the vehicle; and

(d) ~~other~~ another index of registration as the department considers expedient.

(4) The department shall determine the amount of motor vehicle taxes and fees to be collected at the time of registration for each light vehicle subject to tax under 61-3-503 and for each bus, truck having a manufacturer's rated capacity of more than 1 ton, and truck tractor subject to a fee in lieu of tax under [sections 32 and 33]. The county treasurer shall collect the taxes and fees on each motor vehicle at the time of its registration.

(5) Vehicle registration records and indexes and driver's license records and indexes may be maintained by electronic recording and storage media.

~~(5)~~(6) In the case of dealers, the records must show the information contained in the application for a dealer's license as required by 61-4-101 through 61-4-105, as well as the distinctive license number assigned to the dealer.

~~(6)~~(7) In order to prevent an accumulation of unneeded records and files, regardless of any other statutory requirements, the department may destroy all records and files that relate to vehicles that have not been registered within the preceding 4 years and that do not have an active lien.

~~(7)~~(8) All records must be open to inspection during ~~all~~ reasonable business hours, and the department shall furnish any information from the records upon payment by the applicant of the cost of the information requested. Prior to providing the information, the department may require the applicant to provide identification. However, the department may, by rule, reasonably restrict disclosure of information on an owner or the owner's vehicle if the owner has requested in writing that the department not disclose the information."

Section 32. Section 61-3-208, MCA, is amended to read:

"61-3-208. Affidavit and bond for certificate. (1) If an applicant for a ~~motor~~ vehicle certificate of title cannot provide the department with a certificate of title transferred to the applicant, the department may issue a certificate of title for the vehicle if the applicant furnishes an affidavit in a form prescribed by the department.

(2) The affidavit must be signed and sworn to before an officer authorized to administer oaths and affirmations. The affidavit must accompany the application for the certificate of title and include:

(a) the facts and circumstances through which the applicant acquired ownership and possession of the ~~motor~~ vehicle;

(b) information as required by the department to enable it to determine what security interests, liens, and encumbrances ~~against the motor vehicle~~, if any, are outstanding against the ~~motor~~ vehicle;

(c) the date and the amount secured by the security interests, liens, and encumbrances, if any; and

(d) a statement that the applicant has the right to have a certificate of title issued.

(3) If after examination of the application, affidavit, and any other evidence the department determines that a certificate of title for the ~~motor~~ vehicle should be issued to the applicant, the department shall require the applicant to file with the department a good and sufficient bond before issuing the certificate of title. The bond must be:

(a) in an amount equal to the average trade-in or wholesale value of the ~~motor~~ vehicle as determined ~~under the provisions of 61-3-503(1)(c)~~ by the applicable national appraisal guide for the vehicle as of January 1

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for the year in which the application for certificate of title is made; When a national appraisal guide is not available for a vehicle, the department shall determine an alternative value for the vehicle.

(b) conditioned to indemnify a prior owner, lienholder, subsequent purchaser, secured creditor, or encumbrancer of the motor vehicle; and any respective successors in interest; against expenses, losses, or damages caused by the issuance of the certificate or by a defect in or undisclosed security interest upon the right, title, and interest of the applicant in the ~~motor~~ vehicle; and

(c) issued by a surety company authorized to do business in the state.

(4) Any interested person has a right of action to recover on the bond for a breach of its conditions, but the aggregate liability of the surety to all persons may not exceed the amount of the bond.

(5) Unless the department has been notified of a pending action to recover the bond, the department shall return the bond at the earlier of:

(a) 3 years from the date of issuance of the certificate of title; or

(b) the date of surrender of the valid certificate of title to the department if the vehicle is no longer registered in this state."

Section 33. Section 61-3-303, MCA, is amended to read:

"61-3-303. Application for registration. (1) Each owner of a motor vehicle operated or driven upon the public highways of this state shall for each motor vehicle owned, except as otherwise provided in this section, file or cause to be filed in the office of the county treasurer where the owner permanently resides at the time of making the application or, if the vehicle is owned by a corporation or used primarily for commercial purposes, in the taxing jurisdiction of the county where the vehicle is permanently assigned, an application for registration or reregistration upon a blank on a form to be prepared and furnished prescribed by the department. The application must contain:

(a) the name and address of the owner, giving the county, school district, and town or city within whose corporate limits the motor vehicle is taxable, if taxable, or within whose corporate limits the owner's residence is located if the motor vehicle is not taxable;

(b) the name and address of the holder of any security interest in the motor vehicle;

(c) a description of the motor vehicle, including make, year model, engine or serial number, manufacturer's model or letter, gross weight, declared weight on all trucks for which the manufacturer's rated capacity is 1 ton or less, and type of body and, if a truck, the manufacturer's rated capacity;

(d) the declared weight on all trailers operating intrastate, except travel trailers or trailers and semitrailers registered as provided in 61-3-711 through 61-3-733; and

(e) other information that the department may require.

(2) A person who files an application for registration or reregistration of a motor vehicle, except of a mobile home as defined in 15-1-101(1), shall upon the filing of the application pay to the county treasurer:

(a) the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456; and

(b) except as provided in 61-3-456 or unless it has been previously paid:

(i) ~~the personal property~~ motor vehicle taxes or fees in lieu of tax assessed or imposed against the vehicle for the current year of registration and the immediately previous year; or

(ii) the new motor vehicle sales tax against the vehicle for the current year of registration.

(3) The application may not be accepted by the county treasurer unless the payments required by subsection

(2) accompany the application. The department ~~of revenue~~ may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:

(a) the current year; and

(b) the immediately previous year if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.

(4) The department ~~of revenue~~ may make full and complete investigation of the tax status of the vehicle.

An applicant for registration or reregistration shall submit proof from the tax or other appropriate records of the proper county at the request of the department ~~of revenue~~."

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Section 34. Section 61-3-456, MCA, is amended to read:

"61-3-456. Registration of motor vehicle owned and operated by Montana resident on active military duty stationed outside Montana. (1) An owner of a motor vehicle who is a Montana resident on active military duty and stationed outside Montana may file with the department an application for the registration of the motor vehicle. The application must be sworn to before an officer authorized to administer oaths. The application must state:

- (a) the name and address of the owner;
 - (b) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle; and
 - (c) that the vehicle is owned and operated by a Montana resident who is on active military duty and stationed outside Montana.
- (2) The registration fee for a motor vehicle registered under subsection (1) is as provided in 61-3-311 and 61-3-321.
- (3) A vehicle registered under this section is not subject to:
- (a) the taxes described in 61-3-303(2)(b);
 - (b) assessment under 15-8-202 or 61-3-503 or the fee in lieu of tax under [section 33]; or
 - (c) any of the fees provided in part 5 of this chapter."

Section 35. Section 61-3-501, MCA, is amended to read:

"61-3-501. When vehicle taxes and fees are due. (1) ~~Property~~ Motor vehicle taxes, fees in lieu of tax, new car taxes, and fees must be paid on the date of registration or reregistration of the vehicle.

(2) If the anniversary date for reregistration of a vehicle passes while the vehicle is owned and held for sale by a licensed new or used car dealer, ~~property motor vehicle taxes or fees in lieu of tax~~ abate on such the vehicle properly reported with the department of revenue county treasurer until the vehicle is sold and thereafter. After the sale, the purchaser shall pay the pro rata balance of the taxes or fees in lieu of tax due and owing on the vehicle.

(3) In the event that a vehicle's registration period is changed under 61-3-315, all taxes or fees in lieu of tax and other fees due ~~thereon shall~~ must be prorated and paid from the last day of the old period until the first day of the new period in which the vehicle ~~shall be~~ is registered. ~~Thereafter~~ The taxes or fees in lieu of tax and other fees must be paid from the first day of the new period for a minimum period of 1 year. When the change is to a later registration period, taxes and fees ~~shall~~ must be prorated and paid based on the same tax year as the original registration period. Thereafter, during the appropriate anniversary registration period, each vehicle ~~shall must again register or reregister~~ be registered or reregistered and shall pay all taxes and fees due thereon must be paid for a 12-month period."

Section 36. Section 61-3-503, MCA, is amended to read:

"61-3-503. Assessment. (1) Except as provided in 61-3-520 and subsection ~~(2)~~(4) of this section, the following apply to the taxation of motor vehicles:

~~(a) Except as provided in subsections (1)(c) through (1)(e), a person who files an application for registration or reregistration of a motor vehicle shall before filing the application with the county treasurer submit the application to the department of revenue. The department of revenue shall enter on the application in a space to be provided for that purpose the market value and taxable value of the vehicle as of January 1 of the year for which the application for registration is made.~~

~~(b) Except as provided in subsection (1)(c), motor vehicles are assessed for taxes on January 1 in each year irrespective of the time fixed by law for the assessment of other classes of personal property and irrespective of whether the levy and tax may be a lien upon real property within the state. A motor vehicle is not subject to assessment, levy, and taxation more than once in each year.~~

~~(c)~~(a) Vehicles subject to the provisions of 61-3-313 through 61-3-316 must be assessed as of the first day of the registration period, using the ~~average trade-in or wholesale value as of January 1 of the year of~~

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assessment of the vehicle as contained in the most recent volume of the Mountain States Edition of the National Automobile Dealers Association (N.A.D.A.) Official Used Car Guide, the National Edition of N.A.D.A. Appraisal Guides Official Older Used Car Guide, or another nationally published used vehicle or appraisal guide approved by the department of revenue or, for a vehicle that was never listed in any edition of the preceding guides, the retail value of the vehicle as determined by the department of revenue, and depreciated 10% a year until a value of \$500 is reached, not including additions or deductions for options and mileage but including additions or deductions, whether or not one of the preceding guides is used, for diesel engines; and a depreciated value of the manufacturer's suggested retail price as determined in subsection (2).

(b) A lien for taxes and fees due on the vehicle occurs on the anniversary date of the registration and continues until the fees and taxes have been paid. If the depreciated value shown in any of the appraisal guides listed in this section is less than \$500, the department shall value the vehicle at \$500.

(d) Quadricycles must be assessed, using the greater of the following:

(i) \$250; or

(ii) the average trade in or wholesale value as of January 1 of the year of assessment of the vehicle as contained in the most recent volume of the applicable National Edition of the N.A.D.A. Motorcycle/Moped/ATV Appraisal Guide or N.A.D.A. Recreational Vehicle Appraisal Guide or another nationally published used vehicle or appraisal guide approved by the department of revenue, not including additions or deductions for options and mileage.

(e) If a vehicle assessed under subsection (1)(c) or (1)(d) is not originally listed in the applicable N.A.D.A. guide or other approved guide, the department of revenue shall depreciate the original f.o.b. factory list price, f.o.b. port of entry list price, or the manufacturer's suggested list price, using the following methods:

(i) if the new car sales tax has been previously paid and the vehicle is less than 1 year in age, the depreciation percentage is 20%; or

(ii) if the vehicle is 1 year or older in age and it is not listed in any of the appraisal guides listed in this section, the department of revenue shall determine the depreciation percentage to approximate the average wholesale or trade in values in the current N.A.D.A. guides or other approved guides referred to in this subsection (1). For purposes of this subsection (1), the age of the vehicle is determined by subtracting the manufacturer's model year of the vehicle from the calendar year of assessment.

(f) When a minimum value of \$500 is reached, the value must remain at that minimum as long as the vehicle is registered.

(g) If a previously registered vehicle is no longer listed in the applicable N.A.D.A. guide or other approved guide, the department of revenue shall depreciate the value of the vehicle at the rate of 10% a year until a minimum amount of \$500 is attained, and the value must remain at that amount as long as the vehicle is registered.

(2) (a) Except as provided in subsections (2)(c) and (2)(d), the depreciated value for the taxation of light vehicles is computed by multiplying the manufacturer's suggested retail price by a percentage multiplier based on the type and age of the vehicle determined from the following table:

Age of Vehicle (in years)	Type of Vehicle			
	Automobile	Truck	Van	Sport Utility
-1	100%	100%	100%	100%
0	90	96	93	98
1	80	91	86	94
2	69	86	78	90
3	58	80	69	84
4	49	73	60	76
5	41	66	52	67
6	33	57	45	57

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<u>13</u>	<u>09</u>	<u>18</u>	<u>13</u>	<u>21</u>
<u>14</u>	<u>09</u>	<u>15</u>	<u>11</u>	<u>19</u>
<u>15</u>	<u>09</u>	<u>13</u>	<u>09</u>	<u>17</u>
<u>16</u>	<u>09</u>	<u>12</u>	<u>09</u>	<u>15</u>

(b) The age for the light vehicle is determined by subtracting the manufacturer's model year of the vehicle from the calendar year for which the tax is due.

(c) If the value of the vehicle determined under subsection (2)(a) is \$500 or less, the value of the vehicle is \$500 and the value must remain at that amount as long as the vehicle is registered.

(d) The depreciated value of a light vehicle that is 17 years old or older is computed by depreciating the value obtained for the vehicle at 16 years old as determined under subsection (2)(a) by 10% a year until a minimum value of \$500 is attained. The value must remain at that amount as long as the vehicle is registered.

(3) (a) For the purposes of this section, "manufacturer's suggested retail price" means the price suggested by the manufacturer for each given type, style, or model of light vehicle produced and first made available for retail sale by the manufacturer.

(b) The manufacturer's suggested retail price is based on standard equipment of a vehicle and does not contain price additions or deductions for optional accessories.

(c) When a manufacturer's suggested retail price is unavailable for a motor vehicle, the department shall determine an alternative valuation for the vehicle.

(2)(4) The provisions of subsections (1)(a) (1) through (1)(g) (3) do not apply to buses, trucks having a manufacturer's rated capacity of more than 1 ton, truck tractors, motorcycles, motor homes, quadricycles, travel trailers, campers, or mobile homes as defined in 15-1-101(1)."

Section 37. Section 61-3-504, MCA, is amended to read:

"61-3-504. Computation of tax. (1) The amount of taxes on a ~~motor light vehicle, other than an automobile, truck having a rated capacity of 1 ton or less, motorcycle, quadricycle, motor home, travel trailer, camper, or mobile home, is computed and determined by the county treasurer on the basis of the levy of the year preceding the current year of application for registration or reregistration.~~

~~(2) The amount of tax on an automobile or truck having a rated capacity of 1 ton or less, except for vehicles registered under 61-3-456 or owned by disabled veterans qualifying for special license plates under 61-3-332(10)(c)(i)(A) or 61-3-426(2), and on a quadricycle is 2% of the value determined under 61-3-503.~~

~~(3)(2) The amount of tax on fleet vehicles subject to the provisions of 61-3-318 is 1% of the value determined under 61-3-503.~~

~~(4) For all taxable motor vehicles, the amount of tax is entered on the application form in a space provided for that purpose."~~

Section 38. Section 61-3-506, MCA, is amended to read:

"61-3-506. Rules. (1) The department of revenue shall adopt rules for the payment of property taxes and the department of transportation shall adopt rules for the payment of new car taxes under the provisions of 61-3-313 through 61-3-316, 61-3-501, and 61-3-520. The department of revenue may adopt rules for the proration of taxes for the implementation and administration of 61-3-313 through 61-3-316, 61-3-501, and 61-3-520, but shall specifically provide that new car taxes shall be for a 12 month period

(2) The department of justice may adopt rules:

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(a) for the assessment and collection of taxes and fees on light vehicles, including the proration of taxes under 61-3-520; and

(b) for the imposition and collection of fees in lieu of tax, including the proration of fees in lieu of tax under 61-3-520, on buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including criteria for determining the vehicle's age and manufacturer's rated capacity."

Section 39. Section 61-3-507, MCA, is amended to read:

"61-3-507. Exemption. ~~(1) A motor vehicle subject to anniversary date registration as provided in 61-3-313 through 61-3-316 is exempt from the provisions of 61-3-503(1)(b).~~

(2) A vehicle that is exempt from taxation under 15-6-215 or subject to the provisions of 61-3-520 is exempt from all other taxes and fees generally imposed on a vehicle by this part."

Section 40. Section 61-3-509, MCA, is amended to read:

"61-3-509. Disposition of taxes. (1) Except as provided in subsection (2), the county treasurer shall, after deducting the district court fee, credit all taxes on motor vehicles and fees in lieu of tax on motorcycles, quadricycles, motor homes, travel trailers, ~~and campers, buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors~~ collected under 61-3-504, 61-3-521, 61-3-527, ~~and 61-3-537, and [section 33]~~ to a motor vehicle suspense fund, ~~and at~~. At some time between March 1 and March 10 of each year and every 60 days after that date, the county treasurer shall distribute the money in the motor vehicle suspense fund in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as personal property taxes are distributed.

(2) The county treasurer shall deduct as a district court fee 7% of the amount of the 2% tax collected on ~~an automobile or truck having a rated capacity of 1 ton or less~~ light vehicles. The county treasurer shall credit the fee for district courts to a separate suspense account and shall forward the amount in the account to the state treasurer at the time that the county treasurer distributes money from the motor vehicle suspense fund. The state treasurer shall credit amounts received under this subsection to the general fund to be used for purposes of state funding of ~~the~~ district court expenses as provided in 3-5-901."

Section 41. Section 61-3-520, MCA, is amended to read:

"61-3-520. ~~Taxation of Taxes and fees on~~ vehicles used exclusively in filming motion pictures or television commercials. (1) A vehicle used exclusively in the filming of motion pictures or television commercials that has been in the state for a period exceeding 180 consecutive days in a calendar year ~~must be assessed~~ is subject to assessment or a fee in lieu of tax as if the vehicle were not used exclusively for filming motion pictures or television commercials, but the assessment or fee in lieu of tax must be prorated as provided in subsection (2).

(2) The taxes assessed or the fees in lieu of tax imposed under subsection (1) must be prorated by dividing the number of days in excess of 180 consecutive days in the calendar year by 365.

(3) (a) Taxes on a vehicle imposed pursuant to this section must be collected as provided in Title 15, chapter 16, part 1, for the collection of personal property taxes generally.

(b) Fees on a vehicle imposed pursuant to this section must be collected as provided in this chapter."

Section 42. Section 61-3-527, MCA, is amended to read:

"61-3-527. Fee in lieu of tax for motorcycles and quadricycles -- schedule of fees. (1) (a) There is a fee in lieu of property tax imposed on motorcycles and quadricycles. The fee is in addition to annual registration fees.

(b) The fee imposed by subsection (1)(a) ~~need is not required to~~ be paid by a dealer for motorcycles or quadricycles that constitute inventory of the dealership.

(2) The owner of a motorcycle or quadricycle shall pay a fee based on the age of the motorcycle or quadricycle and the size of the engine, as follows:

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- (a) The fee schedule for a motorcycle or quadricycle with an engine that measures from 1 cubic centimeter to 600 cubic centimeters is as follows:
- (i) less than 2 years old, \$30;
 - (ii) 2 years old and less than 5 years old, \$25;
 - (iii) 5 years old and less than 11 years old, \$15; and
 - (iv) 11 years old and older, \$10.
- (b) The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic centimeters to 1,000 cubic centimeters is as follows:
- (i) less than 2 years old, \$70;
 - (ii) 2 years old and less than 5 years old, \$55;
 - (iii) 5 years old and less than 11 years old, \$40; and
 - (iv) 11 years old and older, \$30.
- (c) The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic centimeters and larger is as follows:
- (i) less than 2 years old, \$110;
 - (ii) 2 years old and less than 5 years old, \$90;
 - (iii) 5 years old and less than 11 years old, \$65; and
 - (iv) 11 years old and older, \$40.
- (d) The age of a motorcycle or quadricycle is determined by subtracting the manufacturer's designated model year from the current calendar year."

Section 43. Section 61-3-535, MCA, is amended to read:

"61-3-535. Vehicle reregistration by mail -- ~~renewal cards reminder notice~~ and reregistration notice by mail. (1) ~~Except as provided in subsection (2), an owner of the following types of motor vehicles may reregister by mail:~~

- ~~(a) light vehicles, quadricycles, and other vehicles subject to tax under 61-3-504(2); and~~
- ~~(b) motorcycles, travel trailers, campers, and motor homes subject to a fee in lieu of tax under 61-3-521 and 61-3-527.~~

~~(2) The option to reregister by mail need only be made available for vehicles, motor homes, and travel trailers registered at the close of the expiring registration period in the name of the applicant for reregistration and only if The department may allow the owner of a motor vehicle to renew the registration of a vehicle by mail when the value, age, length, weight, or other criteria used to determine the tax or fee for a particular type of vehicle is available to the department by electronic means.~~

~~(3)(2) The department shall develop a procedure to facilitate the reregistration by mail of the vehicles listed in subsection (1). The Any mail reregistration procedure developed by the department must include a procedure to facilitate automated handling of mail reregistration or recertification.~~

~~(4) The procedure implemented by the department to permit reregistration or camper decal application by mail must and must provide for a written reminder notice by mail to a vehicle owner of the requirement to reregister the owner's vehicle with the county treasurer or to apply for the annual camper decal.~~

~~(5)(3) The department shall adopt rules to implement the mail reregistration and decal application procedure."~~

Section 44. Section 61-3-537, MCA, is amended to read:

"61-3-537. (Temporary) Local option vehicle tax. (1) A county may impose a local vehicle tax on vehicles subject to a ~~property~~ tax under 61-3-504(2) at a rate of up to 0.5% of the value determined under 61-3-503, in addition to the tax imposed under 61-3-504(2).

(2) A local vehicle tax is payable at the same time and in the same manner as the tax imposed under 61-3-504(2). The first priority of the local vehicle tax is for district court funding, and the tax is distributed as follows:

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- (a) 50% to the county; and
- (b) the remaining 50% to the county and the incorporated cities and towns within the county, apportioned on the basis of population. The distribution to a city or town is determined by multiplying the amount of money available by the ratio of the population of the city or town to the total county population. The distribution to the county is determined by multiplying the amount of money available by the ratio of the population of unincorporated areas within the county to the total county population.
- (3) The governing body of a county may impose, revise, or revoke a local vehicle tax by adopting a resolution before July 1, after conducting a public hearing on the proposed resolution. The resolution may provide for the distribution of the local vehicle tax. (Terminates June 30, 2005--sec. 2, 3, Ch. 217, L. 1995.)

61-3-537. (Effective July 1, 2005) Local option vehicle tax. (1) A county may impose a local vehicle tax on vehicles subject to a ~~property~~ tax under 61-3-504(2) at a rate of up to 0.5% of the value determined under 61-3-503, in addition to the tax imposed under 61-3-504(2).

(2) A local vehicle tax is payable at the same time and in the same manner as the tax imposed under 61-3-504(2) and is distributed in the same manner, based on the registration address of the owner of the motor vehicle.

(3) The governing body of a county may impose, revise, or revoke a local vehicle tax by adopting a resolution before July 1, after conducting a public hearing on the proposed resolution."

NEW SECTION. Section 45. Definitions. As used in [section 33] and this section, unless the context requires otherwise, the following definitions apply:

(1) "Bus" has the same meaning as provided in 61-1-115.

(2) "Manufacturer's rated gross combined weight" means the manufacturer's published weight of the allowable load for a truck tractor and trailer combined and includes the weight of the truck tractor and the trailer.

(3) "Manufacturer's rated gross vehicle weight" means the manufacturer's published weight of the allowable load for a truck and includes the weight of the truck.

(4) "Truck" means a motor vehicle designed to carry an entire load. The truck may consist of a chassis and body or a chassis-cab and body or it may be of unitized construction so that the body and cab appear to be a single unit.

(5) "Truck tractor" has the same meaning as provided in 61-1-108.

NEW SECTION. Section 46. Schedule of fees for buses, motor vehicles having rated capacity of more than 1 ton, and truck tractors -- proration -- exemption. (1) (a) There is a fee in lieu of property tax imposed on buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors. The fee is in addition to annual registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer of buses, trucks, or truck tractors that constitute inventory of the dealership.

(2) Subject to the conditions of subsection (4), the owner of a bus, truck with a manufacturer's rated capacity of more than 1 ton, or truck tractor shall pay a fee in lieu of tax based on the age and manufacturer's rated capacity of the vehicle according to the following schedule:

Age of Vehicle (in years)	Rated Capacity (in pounds)			
	16,999 or less	17,000-26,999	27,000-54,999	55,000 or more
1 or less	\$234	\$334	\$568	\$750
2	218	300	500	600
3	200	268	440	532
4	184	234	368	484
5	166	218	320	390
6	150	200	268	334

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7	132	182	234	294
8	116	166	200	250
9	100	150	184	218
10	82	116	158	184
11-12	66	100	134	152
13-14	56	74	104	122
15-16	50	60	76	94
17-18	36	52	58	72
19-20	26	38	44	52
21 or more	20	24	32	40

(3) The age of the vehicle is determined by subtracting the manufacturer's model year of the vehicle from the calendar year for which the fee in lieu of tax is due.

(4) (a) The manufacturer's rated capacity for a bus or truck with a manufacturer's rated capacity of more than 1 ton is the manufacturer's rated gross vehicle weight.

(b) The manufacturer's rated capacity for a truck tractor is the manufacturer's rated gross combined weight.

(5) A motor vehicle brought into the state or otherwise used for the exclusive purpose of filming motion pictures or television commercials is exempt from the fee in lieu of tax if the vehicle does not remain in the state for a period in excess of 180 consecutive days in a calendar year.

~~(5)~~(6) The Except as provided in 61-3-520, the fee in lieu of tax on a vehicle subject to this section that is brought or driven into this state by a nonresident person for hire, compensation, or profit must be prorated according to the ratio that the remaining number of months in the year bears to the total number of months in the year.

~~(6)~~(7) (a) The fee in lieu of tax on a vehicle subject to this section that is registered in the state for the first time must be prorated as provided in subsection ~~(5)~~ (6).

(b) The fee in lieu of tax on a vehicle subject to this section that is reregistered in the state is for a full year.

~~(7)~~(8) The fee in lieu of tax may not be refunded.

NEW SECTION. Section 47. Assessment of proportionally registered interstate motor vehicle fleets -- payment of tax or fee in lieu of tax required for registration. (1) (a) Except as provided in subsection (2), the department of transportation shall determine the fee for the purpose of imposing the fee in lieu of tax as provided in [sections 32 and 33] on buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, in interstate motor vehicle fleets that are proportionally registered under the provisions of 61-3-711 through 61-3-733. The fee must be apportioned on the ratio of total miles traveled to in-state miles traveled as prescribed by 61-3-721. The fee in lieu of tax on interstate motor vehicle fleets is imposed upon application for proportional registration and must be paid by the persons who own or claim the fleet or in whose possession or control the fleet is at the time of the application.

(b) With respect to an original application for a fleet that has a situs in Montana for the purpose of the fee in lieu of tax under this part or any other provision of the laws of Montana, the fee in lieu of tax on fleet vehicles must be prorated according to the ratio that the remaining number of months in the year bears to the total number of months in the year.

(2) For the purpose of taxation, the department of transportation shall assess light vehicles, as defined in [section 16], that are part of an interstate motor vehicle fleet as follows:

(a) The value of each vehicle is determined in the same manner as provided in 61-3-503.

(b) The value determined under subsection (2)(a) multiplied by the percent of miles traveled in Montana, as prescribed by 61-3-721, is the market value.

(c) The sum of the market value of all vehicles subject to tax under this subsection (2) multiplied by 2% is the tax for the entire fleet.

(d) With respect to an original application for a fleet that has a situs in Montana for the purpose of taxation

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under this part or any other provision of the laws of Montana, the taxes on taxable vehicles are determined as provided in subsection (2)(b).

(e) Vehicles taxed as part of a fleet under this subsection (2) are not subject to the local option tax imposed under 61-3-537.

(3) With respect to a renewal application for a fleet, taxable vehicles are assessed and taxed for a full year and for all other vehicles the fee in lieu of tax is imposed for a full year.

(4) Vehicles contained in a fleet for which current taxes or fees, or both, have been assessed and paid may not be assessed or charged fees under this section upon presentation to the department of proof of payment of taxes, fees, or both for the current registration year. The payment of fleet vehicle taxes, fees in lieu of tax, and license fees is a condition precedent to proportional registration or reregistration of an interstate motor vehicle fleet.

(5) All taxes and fees collected on motor vehicle fleets under this chapter must be deposited and distributed as provided in [section 36].

NEW SECTION. Section 48. Situs in state of proportionally registered fleets -- collection of taxes and fees. (1) For the purposes of this part, any vehicle previously registered or that has had application for registration made under the provisions of 61-3-711 through 61-3-733 has a situs in Montana for the purposes of taxation or the fee in lieu of tax.

(2) The department of transportation shall collect the fleet vehicle taxes, the fees in lieu of tax, and license fees prescribed in this part.

NEW SECTION. Section 49. Deposit and distribution of taxes and fees on proportionally registered fleets. The taxes, fees in lieu of tax, and license fees collected under this part must be deposited with the state treasurer for distribution to the general fund of each county on the following basis:

(1) for fleet vehicle taxes and fees in lieu of tax, according to the ratio of the taxable valuation of each county to the total state taxable valuation; and

(2) for fleet vehicle license fees, according to the ratio of vehicle license fees, other than fees derived from interstate motor vehicle fleets, collected in each county to the sum of all fleet vehicle fees collected in all the counties.

Section 50. Section 61-3-701, MCA, is amended to read:

"61-3-701. Foreign vehicles used in gainful occupation to be registered -- reciprocity. (1) Before ~~any~~ a foreign licensed motor vehicle may be operated on the highways of this state for hire, compensation, or profit or before the owner ~~and/or~~ or user ~~thereof~~ of the vehicle uses the vehicle if ~~such~~ the owner ~~and/or~~ or user is engaged in gainful occupation or business enterprise in the state, including highway work, the owner of the vehicle shall ~~make application~~ apply to a county treasurer for registration upon an application form furnished by the department. Upon satisfactory evidence of ownership submitted to the county treasurer and the payment of ~~property~~ motor vehicle taxes or fees in lieu of taxes, if appropriate, as required by 15-8-201, 15-8-202, 15-24-301, 61-3-504, ~~or~~ 61-3-537, or [section 33], the treasurer shall accept the application for registration and shall collect the regular license fee required for the vehicle.

(2) ~~The~~ Upon payment of the fees or taxes, the treasurer shall ~~thereupon~~ issue to the applicant a copy of the certificate entitled "Owner's Certificate of Registration and Payment Receipt" and forward a duplicate copy of the certificate to the department. The treasurer shall at the same time issue to the applicant the proper license plates or other identification markers, which ~~shall~~ must at all times be displayed upon the vehicle when operated or driven upon roads and highways of this state during the effective period ~~of the~~ life of the license.

(3) The registration receipt ~~shall~~ does not constitute evidence of ownership but ~~shall~~ must be used only for registration purposes. ~~No~~ A Montana certificate of ownership ~~shall~~ may not be issued for this type of registration.

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(4) This section is not applicable to ~~any a~~ vehicle covered by a valid and existing reciprocal agreement or declaration entered into under the provisions of the laws of Montana."

Section 51. Section 61-12-402, MCA, is amended to read:

"61-12-402. Notice to owner. (1) Within 72 hours after ~~any a~~ vehicle is removed and held by or at the direction of the Montana highway patrol, the highway patrol shall notify the sheriff of the county in which the vehicle was located at the time it was taken into custody ~~and of~~ the place where the vehicle is being held. In addition, the Montana highway patrol shall furnish the sheriff:

(a) a complete description of the vehicle, including year, make, model, serial number, and license number if available;

(b) any costs incurred to that date in the removal, storage, and custody of the vehicle; and

(c) any available information concerning its ownership.

(2) The sheriff or the city police shall make reasonable efforts to ascertain the name and address of the owner, lienholder, or person entitled to possession of the vehicle taken into custody under 61-12-401. If a name and address are ascertained, the sheriff or the city police shall notify the owner, ~~and~~ lienholder, or person of the location of the vehicle.

(3) If the vehicle is registered in the office of the department, notice is considered to have been given when a ~~registered or~~ certified letter addressed to the registered owner of the vehicle and lienholder, if any, at the latest address shown by the records in the office of the department, return receipt requested and postage prepaid, is mailed at least 30 days before the vehicle is sold.

(4) If the identity of the last-registered owner cannot be determined, if the registration does not contain an address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in the county where the motor vehicle was abandoned is sufficient to meet all requirements of notice pursuant to this part. The notice by publication ~~can~~ may contain multiple listings of abandoned vehicles. The notice must be provided in the same manner as prescribed in 25-13-701(1)(b).

(5) If the abandoned vehicle is in the possession of a motor vehicle wrecking facility licensed under 75-10-511, the wrecking facility may make the required search to ascertain the name and address of the owner, lienholder, or person entitled to possession of the vehicle and shall give the notices required in subsections (2) through (4). The wrecking facility shall deliver to the sheriff or the city police a certificate describing the efforts made to ascertain the name and address of the owner, lienholder, or person entitled to possession of the vehicle and shall deliver to the sheriff or the city police proof of the notice given.

(6) A vehicle found by law enforcement officials to be a "junk vehicle", as defined by 75-10-501, and ~~certified as having an appraised that has a value of \$500 or less, as determined by the department of revenue,~~ may be directly submitted for disposal in accordance with the provisions of ~~part 5 of chapter 10,~~ Title 75, chapter 10, part 5, upon a release given by the sheriff or the city police. In the release, the sheriff or the city police shall include a description of the vehicle, including year, make, model, serial number, and license number if available. A release provided by the sheriff or the city police under this section must be transmitted to the motor vehicle wrecking facility and must be considered by that facility to meet the requirements for records under 75-10-512 and 75-10-513. Vehicles described in this section may be submitted for disposal without notice and without a required holding period."

NEW SECTION. Section 39. Legislative audit committee analysis. (1) The legislative audit committee shall conduct or have conducted an analysis of alternative methods of classification, valuation, and taxation of automobiles and trucks having a manufacturer's rated capacity of 1 ton or less. The analysis must include:

(a) alternative methods of valuation and taxation;

(b) imposition of a flat tax or fees in lieu of taxes;

(c) multiyear licensing;

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- (d) cost-effectiveness and public convenience of alternative methods of classifying motor vehicles and of collecting motor vehicle taxes or fees;
 - (e) anticipated costs and revenue of alternative systems compared with the present system of classifying, valuing, and taxing motor vehicles; and
 - (f) alternative methods for formulas based on revenue allocations to counties.
- (2) The committee shall report the results of its analysis to the 56th legislature.

NEW SECTION. Section 40. Codification instruction. (1) [Sections 16 and 17] are intended to be codified as an integral part of Title 61, chapter 1, part 1, and the provisions of Title 61, chapter 1, part 1, apply to [sections 16 and 17].

(2) [Sections 32 and 33] are intended to be codified as an integral part of Title 61, chapter 3, part 5, and the provisions of Title 61, chapter 3, part 5, apply to [sections 32 and 33].

(3) [Sections 34 through 36] are intended to be codified as an integral part of Title 61, chapter 3, part 7, and the provisions of Title 61, chapter 3, part 7, apply to [sections 34 through 36].

NEW SECTION. Section 41. Repealer. Sections 15-24-101, 15-24-102, 15-24-103, 15-24-104, 15-24-105, and 15-24-2501, MCA, are repealed.

NEW SECTION. Section 42. Effective dates -- applicability -- rulemaking. (1) Except for the purposes of subsection (2), [this act] is effective January 1, 1998, and applies to tax years beginning after December 31, 1997.

(2) For the purposes of promulgating administrative rules under 61-3-506 and conducting the analysis required by [section 39], [sections 25 and 39 and this section] are effective on passage and approval."

And that this Free Conference Committee report be adopted.

For the Senate:

Devlin, Chairman
DePratu
Waterman

For the House:

Story, Chairman
Rose
Ream

Free Conference Committee
on Senate Bill 374
Report No. 1, April 18, 1997

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 374, met and considered Senate Bill 374 in its entirety.

We recommend that Senate Bill 374 be amended as follows:

1. Title, line 7.

Strike: "AND"

Insert: ", "

2. Title, line 9.

Following: "~~HIRES;~~"

Insert: ", AND A DIRECTORY OF NEW HIRES"

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3. Title, line 11.

Following: "~~NUMBERS;~~"

Insert: "AVAILABILITY OF SOCIAL SECURITY NUMBERS,"

4. Title, lines 19 and 20.

Strike: "ESTABLISHING" on line 19 through "COMMITTEE;" on line 20

5. Title, line 21.

Following: "~~40-4-105,~~"

Insert: "37-1-307, 40-1-107, 40-4-105,"

6. Title, line 29.

Following: "~~50-15-403,~~"

Insert: "50-15-403,"

Following: "~~61-5-107,~~"

Insert: "61-5-107,"

7. Title, line 30.

Following: "DATES"

Strike: "AND"

Insert: ", "

Strike: "A"

8. Title, page 2, line 1.

Strike: "DATE"

Insert: "DATES, AND A TERMINATION DATE"

9. Page 2, line 6.

Strike: "13"

Insert: "15"

10. Page 2, line 17.

Strike: "9"

Insert: "11"

11. Page 2.

Following: line 20

Insert: "[(1) "Date of hire" means the first day that an employee starts work for which the employee is owed compensation by the payor of income.]"

Renumber: subsequent subsections

12. Page 2.

Following: line 29

Insert: "[(3) (a) "Employee" means a person 18 years of age or older who performs labor in this state for an employer in this state for compensation and for whom the employer withholds federal or state tax liabilities from the employee's compensation.

(b) The term does not include an employee of a federal or state agency performing intelligence or counterintelligence functions if the head of the agency has determined that reporting pursuant to [section 9] with respect to the employee could endanger the safety of the employee or compromise an ongoing

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investigation or intelligence mission.]"

Renumber: subsequent subsections

13. Page 3.

Following: line 16

Insert: "[(8) "Labor organization" means a labor union, union local, union affiliate, or union hiring hall.]"

Renumber: subsequent subsections

14. Page 3.

Following: line 29

Insert: "[(12) "Rehire" means the first day, following a termination of employment, that an employee begins to again perform work or provide services for a payor. Termination of employment does not include temporary separations from employment, such as unpaid medical leave, an unpaid leave of absence, or a temporary or seasonal layoff.]"

Renumber: subsequent subsections

15. Page 5.

Following: line 14

Insert: "[(8) An employer or labor organization shall report a newly hired or rehired employee. Information reported by an employer must be electronically compared to the information data base to align an obligor who owes a duty of support with a source of income. When a match is revealed in a IV-D case, a notice will, if appropriate to the case, be promptly transmitted to the employer directing the employer to commence withholding for the payment of the obligor's support obligation.]"

Renumber: subsequent subsections

16. Page 6, line 12 and line 19.

Strike: "13"

Insert: "15"

17. Page 6, line 29.

Following: "~~other~~"

Insert: "[social security number, other]"

18. Page 7, line 1.

Following: "~~if any,~~"

Insert: "[social security number, if any,]"

19. Page 14, line 6.

Insert: "NEW SECTION. Section 9. Directory of new hires -- employer reporting requirements. (1) (a) An employer doing business in the state shall report to the department the hiring or rehiring of an employee to whom the employer anticipates paying income.

(b) An employer shall report the hiring or rehiring of an employee by submitting a copy of the employee's completed W-4 form or, at the option of the employer, its informational equivalent or any other format agreed to by the department. The report must include the employee's name, date of hire, social security number, and residential and mailing addresses, and the name, address, and federal identification number of the employer. The report may include the employee's date of birth.

(c) If an employer provides health or medical insurance coverage for an employee and the coverage may be extended to the employee's children, the employer may, along with the date the employee becomes eligible for coverage, provide that information as part of the new hire report under subsection (1)(b).

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- (2) Transmission of the reports must be by first-class mail, electronic or magnetic transmission, including facsimile transmission, or any other format agreed to by the department. Written reports must be submitted within 20 days of the employee's date of hire or rehire. Reports transmitted electronically or magnetically may be made by two transmissions monthly, if necessary, not less than 12 or more than 16 days apart.
- (3) An employer who has employees in two or more states and who transmits new hire reports electronically or magnetically may comply with this section by designating one of the states in which there is an employee and transmitting the report of new hires to that state. A multistate employer who elects to report to only one state shall give written notice of the state to which the employer will transmit new reports. As required by 42 U.S.C. 653a(b)(1)(B), this notice must be transmitted to the secretary of the federal department of health and human services.
- (4) An employer providing reports is not liable to the employee for the disclosure or any subsequent use by the processing center of the information."

Renumber: subsequent sections

20. Page 14, line 10.

Following: "department"

Insert: "[and the employee W-4 forms or similar forms transmitted to the department]"

21. Page 17, line 8.

Insert: "**NEW SECTION.** Section 122. Automated access to financial

records -- confidentiality -- no liability -- definitions. (1) For the purposes of this section, unless the context otherwise indicates, the following definitions apply:

(a) "Account" means a savings, checking, deposit and withdrawal, demand deposit, money market, profit and loss, or time deposit account opened by a depositor in a financial institution.

(b) "Depositor" means a person, share account holder, sole proprietor, or joint owner of an account in a financial institution in this state.

(c) "Financial institution" means:

(i) a depository institution, as defined in section 3(c) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(c);

(ii) an institution-affiliated party, as defined in the Federal Deposit Insurance Act, 12 U.S.C. 1813(u);

(iii) any state credit union, as defined in 32-3-102, or federal credit union, as defined in section 101 of the Federal Credit Union Act, 12 U.S.C. 1752, including an institution-affiliated party of such a credit union, as defined in section 206(r) of the act, 12 U.S.C. 1786(r); and

(iv) any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in the state.

(d) "Obligor" means a person who owes a debt for child, spousal, or medical support as determined by the department or as specified by order of a tribunal of competent jurisdiction, the amount of which exceeds \$500 or a total of 3 months debt, whichever is less.

(2) (a) Upon written request from the department, a financial institution shall run a data match of the department's list of obligors with the financial institution's depositors and provide the information in a computer or other reasonable format accessible by the financial institution. The department may not request the information referred to in this subsection from a financial institution more than once in each calendar quarter.

(b) The information on an obligor found to be a depositor at a financial institution must include the obligor's full name, social security number or other taxpayer identification number, and account number. If normally kept by the financial institution, the information must also include the mailing address, employment address, and any other information that identifies the obligor

(c) The financial institution shall provide the requested information within 30 days of the request from the department.

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(3) The department shall run a computer match of all obligors with the information from the financial institution required in subsection (2). If there is a match between an obligor and a depositor, the financial institution shall, upon request of the department, provide additional information within 30 days, including but not limited to:

- (a) verification of the obligor's full name and social security number;
- (b) the financial institution's account number;
- (c) the nature of the account or accounts held by the obligor;
- (d) the funds available in the account less any preexisting encumbrance held by the financial institution; and

(e) any taxes, penalties, interest, or other costs to be legally imposed on the account if the account is accessed prior to a maturity date.

(4) The amounts available in an obligor's account do not include amounts available pursuant to overdraft coverage offered by the financial institution.

(5) The financial institution shall honor a subsequent appropriate lien from the department sent to the financial institution.

(6) (a) A financial institution receiving a data request, data match, or lien from the department may not provide notice to an obligor identified in the information submitted to the department. Failure to provide notice does not constitute a violation of the financial institution's duty of good faith to its customers.

(b) A notice given by a financial institution to an obligor identified by the department subjects the financial institution to the contempt authority of the department under 40-5-226.

(7) The department shall pay a financial institution a reasonable fee for providing the information required in subsection (2), not to exceed the actual documented costs incurred by the financial institution.

(8) Information requested by the department and provided by a financial institution under this section is confidential and may be used only for IV-D purposes. Use of information for any other purpose without the authorization of the department subjects the user to a civil penalty of not more than \$500 per name per use.

(9) A financial institution is not liable to a person for:

- (a) a disclosure of information to the department under this section;
- (b) encumbering or surrendering assets held by the financial institution in response to a notice of lien or levy issued by the department; or
- (c) any other action under this section taken in good faith to comply with the requirements of this section as long as the action is reasonable."

Renumber: subsequent sections

23. Page 18, line 20.

Following: "funds"

Insert: "as directed in the income-withholding order"

24. Page 18, line 21.

Strike: "as directed in the income-withholding order"

25. Page 20, line 7.

Strike: "11"

Insert: "13"

26. Page 22, line 6.

Strike: "12"

Insert: "14"

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27. Page 23, line 7.

Strike: "13"

Insert: "15"

28. Page 26, line 28.

Insert: "Section 22. Section 37-1-307, MCA, is amended to read:

"37-1-307. Board authority. (1) A board may:

(a) hold hearings as provided in this part;

(b) issue subpoenas and administer oaths in connection with investigations and disciplinary proceedings under this part. Subpoenas must be relevant to the complaint, issued by a majority vote of board members not serving on the screening panel described in subsection (1)(e), and signed by the presiding officer of the board. Subpoenas may be enforced as provided in 2-4-104.

(c) authorize depositions and other discovery procedures under the Montana Rules of Civil Procedure in connection with an investigation, hearing, or proceeding held under this part;

(d) compel attendance of witnesses and the production of documents. Subpoenas may be enforced as provided in 2-4-104.

(e) establish a screening panel that determines whether there is reasonable cause to believe that a licensee has violated a statute or rule justifying disciplinary proceedings. The assigned board members may not subsequently participate in a hearing of the case. The final decision on the case must be made by a majority of the board members who did not serve on the screening panel for the case.

(f) grant or deny a license and, upon a finding of unprofessional conduct by an applicant or license holder, impose a sanction provided by this chapter.

(2) Each board is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose of obtaining confidential criminal justice information regarding its licensees and license applicants.

(3) Each board shall require a license applicant to provide the applicant's social security number as a part of the application. Each board shall keep the social security number from this source confidential, except that a board may provide the number to the department of public health and human services for use in administering Title IV-D of the Social Security Act."

Section 23. Section 40-1-107, MCA, is amended to read:

"40-1-107. Form of application, license, marriage certificate, and consent. (1) The director of the department of public health and human services shall prescribe the form for an application for a marriage license, which must include the following information:

(a) name, sex, address, social security number, and date and place of birth of each party to the proposed marriage;

(b) if either party was previously married, the party's name, and the date, place, and court in which the marriage was dissolved or declared invalid or the date and place of death of the former spouse;

(c) name and address of the parents or guardian of each party;

(d) whether the parties are related to each other and, if so, their relationship; and

(e) the name and date of birth of any child of whom both parties are parents born prior to the making of the application, unless their parental rights and the parent and child relationship with respect to the child have been terminated.

(2) The director of the department of public health and human services shall prescribe the forms for the marriage license, the marriage certificate, and the consent to marriage."

(3) The license, certificate, or consent may not contain the social security number, and the department shall keep the number from this source confidential, except that the department may use the number in administering Title IV-D of the Social Security Act.

Section 24. Section 40-4-105, MCA, is amended to read:

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"40-4-105. Procedure -- commencement -- pleadings -- abolition of existing defenses. (1) The verified petition in a proceeding for dissolution of marriage or legal separation ~~shall~~ must allege that the marriage is irretrievably broken and ~~shall~~ must set forth:

(a) the age, occupation, and residence of each party and ~~his~~ the party's length of residence in this state;
(b) the date of the marriage and the place at which it was registered;
(c) that the jurisdictional requirements of 40-4-104 exist and that the marriage is irretrievably broken in that either:

(i) the parties have lived separate and apart for a period of more than 180 days ~~next~~ preceding the commencement of this proceeding; or

(ii) there is serious marital discord which adversely affects the attitude of one or both of the parties towards the marriage, and there is no reasonable prospect of reconciliation;

(d) the names, ages, and addresses of all living children of the marriage and whether the wife is pregnant;

(e) any arrangements as to support, custody, and visitation of the children and maintenance of a spouse; and

(f) the relief sought.

(2) Either or both parties to the marriage may initiate the proceeding.

(3) If a proceeding is commenced by one of the parties, the other party must be served in the manner provided by the Montana Rules of Civil Procedure and may within 20 days after the date of service file a verified response. ~~No~~ A decree may not be entered until 20 days after the date of service.

(4) Previously existing defenses to divorce and legal separation, including but not limited to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

(5) The court may join additional parties proper for the exercise of its authority to implement this chapter.

(6) The social security number, if known, of a person subject to a decree of dissolution or a support order must be recorded in the records relating to the matter. The recordkeeper shall keep the social security number from this source confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act."

Renumber: subsequent sections

29. Page 28, line 2.

Strike: "9"

Insert: "11"

30. Page 29, line 4.

Following: "~~number,~~"

Insert: "[social security number,]"

31. Page 47.

Following: line 19

Insert: "(d) social security number;"

Renumber: subsequent subsections

32. Page 56, line 3.

Strike: "9"

Insert: "11"

33. Page 57.

Following: line 5

Insert: "[(ii) social security number;]"

Renumber: subsequent subsections

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34. Page 58, line 19.

Following: "~~or~~"

Insert: "[; or]"

35. Page 58, line 21.

Following: "~~department~~"

Insert: "[(h) a financial institution uses information provided by the department pursuant to [section 11] for any other purpose without the authorization of the department]"

36. Page 65, line 1.

Following: "~~jury.~~"

Insert: "[The matter must be heard by a judge sitting without a jury.]"

37. Page 74, line 22 and line 24.

Strike: "RECEIPT"

Insert: "the date"

38. Page 74, line 26.

Following: "EXISTED."

Insert: "This notice is different from the notice required by 40-5-305."

39. Page 75, line 2.

Following: "~~delinquent~~"

Insert: "who has determined that an obligor is delinquent"

40. Page 77, line 16.

Following: line 15

Insert: "required under 40-5-305"

41. Page 77, line 25.

Following: "place"

Insert: "or continue"

42. Page 78, line 3.

Strike: "or"

Insert: ", "

Following: "order"

Insert: ", or may authorize issuance of an income deduction order"

43. Page 78, lines 7 and 8.

Strike: "THAT" on line 7 through "OR THAT" on line 8

44. Page 81, line 30 through line 2 of page 82

Strike: "A" on page 81, line 30 through "WITHHOLDING" on line 2 of page 82

Insert: "a delinquency occurs"

45. Page 84, lines 16 and 19.

Strike: "RECEIPT"

Insert: "the date"

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46. Page 84, line 21.

Following: "EXISTED."

Insert: "This notice is different from the notice required by subsection (2)(b)."

47. Page 87, line 19.

Strike: "or"

Insert: ", "

Following: "withhold"

Insert: ", or may issue an order to withhold income"

48. Page 87, lines 28 and 29.

Strike: "OR" on line 28 through "EXISTED" on line 29

49. Page 88, line 21.

Strike: "CONTINUE TO"

50. Page 89.

Following: line 29

Insert: "(b) social security number;"

Renumber: subsequent subsections

51. Page 92, line 1.

Strike: "AND"

Insert: ", "

52. Page 92, line 2.

Following: "~~obligor~~"

Insert: ", and, if known, the social security number of the obligor"

53. Page 101, line 5.

Following: "~~jury~~."

Insert: "[The action must be heard by a judge sitting without a jury.]"

54. Page 103, line 23.

Strike: "9"

Insert: "11"

55. Page 104.

Following: line 18

Insert: "[(ii) social security number;]"

Renumber: subsequent subsections

56. Page 105, line 13.

Insert: "[(11) The social security number of a person subject to a paternity determination under this part must be recorded in the records relating to the matter. The recordkeeper shall keep the social security number from this source confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]"

57. Page 109, line 11.

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Insert: "Section 92. Section 50-15-403, MCA, is amended to read:

"50-15-403. Preparation and filing of death or fetal death certificate. (1) A person in charge of disposition of a dead body or fetus that weighs at least 350 grams at death or, if the weight is unknown, has reached 20 completed weeks of gestation at death shall obtain personal data on the deceased, including the deceased's social security number, if any, or, in the case of a fetal death, on the parents that is required by the department from persons best qualified to supply the data and enter it on the death or fetal death certificate.

(2) The person in charge of disposition of the dead body or fetus shall present the death certificate to the certifying physician or the coroner having jurisdiction for medical certification of the cause of death. The person in charge of disposition shall obtain the completed certification of the cause of death from the physician or coroner and shall, within the time that the department may by rule prescribe, file the death or fetal death certificate with the local registrar in the registration area where the death occurred.""

Renumber: subsequent sections

58. Page 110, line 30.

Insert: "Section 94. Section 61-5-107, MCA, is amended to read:

"61-5-107. Application for license, instruction permit, or motorcycle endorsement. (1) Each application for an instruction permit, driver's license, or motorcycle endorsement must be made upon a form furnished by the department. A motorcycle endorsement is required for the operation of a quadricycle. Each application must be accompanied by the proper fee, and payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application. A voter registration form for mail registration as prescribed by the secretary of state must be attached to each driver's license application. If the applicant wishes to register to vote, the department shall accept the registration and forward the form to the election administrator.

(2) Each application must state the full name, date of birth, sex, ~~and~~ residence address of the applicant, and if the application is for a commercial vehicle operator's license, social security number, must briefly describe the applicant, and must state whether:

(a) the applicant has previously been licensed as a driver or commercial vehicle operator, and, if so, when and by what state or country;

(b) any commercial operator license has ever been suspended or revoked; or

(c) an application has ever been refused, and, if so, the date of and reason for suspension, revocation, or refusal.

(3) The department shall keep the applicant's social security number from this source confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.

~~(3)~~(4) When application is received from an applicant previously licensed by another jurisdiction, the department shall request a copy of the applicant's driving record from the previous licensing jurisdiction. The driving record may be transmitted manually or by electronic medium. When received, the driving records become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.""

Renumber: subsequent sections

59. Page 116, line 18 through line 30 of page 117

Strike: sections 92 and 93 in their entirety

Renumber: subsequent sections

60. Page 118, line 1 and line 3.

Strike: "9"

Insert: "11"

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61. Page 118, line 4 and line 5.

Strike: "10"

Insert: "12"

62. Page 118, line 6 and line 7.

Strike: "11"

Insert: "13"

63. Page 118, line 8 and line 9.

Strike: "12"

Insert: "14"

64. Page 118, line 10 and line 11.

Strike: "13"

Insert: "15"

65. Page 119, line 16.

Following: "~~10,~~"

Insert: "10,"

Strike: "11"

Insert: "13"

66. Page 119, line 19.

Following: "TERMINATION"

Insert: "-- request for federal exemptions"

Strike: "[THIS ACT] TERMINATES"

Insert: "(1) [Sections 9, 11, 22 through 24, 93, and 95] and the bracketed language in [sections 1 through 3, 9, 20, 40, 45, 88, and 89] terminate"

67. Page 119, line 21.

Following: "PROGRAM"

Strike: "OR"

Insert: "and"

Strike: "ONE OR MORE OF"

68. Page 119, line 22.

Strike: "WELFARE PROGRAMS"

Insert: "program relating to temporary assistance to needy families"

69. Page 119, line 24.

Insert: "(2) [Sections 9, 11, 22 through 24, 93, and 95] and the bracketed language in [sections 1 through 3, 10, 25, 45, 50, 88, and 89] terminate on the date that a final decision is rendered in federal court invalidating the child support provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(3) If the director of the department of public health

and human services certifies to the governor and the secretary of state in writing that one of the following provisions is no longer required by federal law because of repeal of or amendment to federal statutes that require that provision, the provision terminates on the date the certification takes effect:

(a) [section 9];

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- (b) [section 11];
- (c) [sections 22 through 24];
- (d) [section 93];
- (e) [section 95];
- (f) [the bracketed provisions in sections 1 through 3, 10, 25, 45, 50, 88, and 89].
- (4) If the director of the department of public health and human services certifies to the governor and the secretary of state in writing that the federal government has granted this state an exemption from one of the following provisions, the provision terminates on the date the exemption takes effect:
 - (a) [section 9];
 - (b) [section 11];
 - (c) [sections 22 through 24];
 - (d) [section 93];
 - (e) [section 95];
 - (f) [the bracketed provisions in sections 1 through 3, 10, 25, 45, 50, 88, and 89].
- (5) The department of public health and human services shall do everything reasonably within its power to obtain, as soon as possible, federal government exemptions from the provisions listed in subsection (4).
- (6) [Sections 9, 11, 22 through 24, 93, and 95] and the bracketed language in [sections 1 through 3, 10, 25, 45, 50, 88, and 89] terminate July 1, 1999.
- (7) If the bracketed language in [section 1 through 3, 10, 25, 45, 50, 88, and 89] terminates, the code commissioner is instructed to renumber subsections, adjust internal references, and correct grammar and arrangement."

And that this Free Conference Committee report be adopted.

For the Senate:

Hargrove, Chairman
Waterman

For the House:

Soft, Chairman
Sands

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 9:00 a.m., Saturday, April 19, 1997. Motion carried.

House adjourned at 5:23 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY

Helena, Montana
April 19, 1997

House Chambers
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Ryan. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Heavy Runner, Kitzenberg, Knox, Sands, Wells, excused. Quorum present.

Mr. Speaker introduced today's honorary pages:

Heather Bitney, Kalispell
Scott Johnson, Montana City
Hope Barker-Seitz
Brandon Jacobs, Clancy

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 18, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 28 sponsored by Representative Rose on April 18, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

April 18, 1997

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

Dear Speaker Mercer and President Aklestad:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 195, "A BILL FOR AN ACT REQUIRING STATE AGENCIES TO PAY A \$45 FEE TO FILE A WARRANT FOR DISTRAINT, CERTIFICATE OF LIEN, OR ABSTRACT OF ADMINISTRATIVE ORDER OR OF FINAL ADMINISTRATIVE ORDER; CLARIFYING THE AMOUNT

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OF THE DISTRICT COURT FEE FOR APPEALS FROM COURTS OF LIMITED JURISDICTION AND FOR APPEARING AS A LITIGANT IN A CONTESTED ESTATE PROCEEDING: AND AMENDING SECTIONS 25-1-201 AND 25-10-405, MCA" for the following reasons.

House Bill 195 requires, among other things, that state agencies pay \$45 each time they file with a clerk of court a warrant for distraint, a certificate of lien, or an abstract of an administrative order.

I do not disagree with the substance of the bill. However, its operation will result in projected additional costs to agency budgets of over \$280,000 for the biennium. This is a sum that current agency budgets cannot absorb, and, since there is no funding provided in the bill, I offered an amendment to the bill on April 11, 1997, which would have prevented the law from becoming effective unless there is an appropriation for adequate funding.

My proposed amendment was not adopted.

The difficult task of carefully and thoughtfully funding essential government services can be resolved, but not without making choices among competing priorities. In my view, there are higher priorities than House Bill 195 to which the State must dedicate its limited resources.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

April 18, 1997

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

Dear Speaker Mercer and President Aklestad:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 268, **"AN ACT PROVIDING FOR MEDROXYPROGESTERONE ACETATE TREATMENT OR ITS CHEMICAL EQUIVALENT FOR CERTAIN SEX OFFENDERS; AMENDING SECTION 46-18-201, MCA; AND PROVIDING AN APPLICABILITY DATE"** for the following reasons.

House Bill 268 authorizes chemical treatment for certain sex offenders at an estimated cost of \$181,555 in fiscal year 1999. Funding to cover this cost has not been provided.

As I have stated in my veto message on Senate Bill 31, the legislative and executive branches have worked very hard to provide sufficient funding for the Department of Corrections, an agency that has historically been underfunded. I cannot agree to add this unfunded responsibility to a department, the resources of which are strained to a filament.

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Sincerely,

MARC RACICOT
Governor

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

April 18, 1997

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

Dear President Aklestad and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto Senate Bill 31, "**AN ACT PROVIDING FOR CHEMICAL TREATMENT OF CERTAIN SEX OFFENDERS; AND PROVIDING APPLICABILITY DATES**" for the following reasons.

Senate Bill 31 provides for chemical treatment of certain sex offenders, the costs of which treatment would be paid for by the Department of Corrections.

On March 31, 1997, I returned the bill with a proposed amendment that would make the act void if funding was not provided in House Bill 2 to cover corresponding costs. The amendment was not adopted, leaving the Department of Corrections facing estimated costs amounting to \$77,126 for fiscal year 1988 and \$319,028 for fiscal year 1999.

The legislative and executive branches have worked very hard to provide sufficient funding for the Department of Corrections, an agency that has historically been underfunded. I cannot agree to add this unfunded responsibility to a department, the resources of which are strained to a filament.

Sincerely,

MARC RACICOT
Governor

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

April 18, 1997

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 19, 1997

Dear President Aklestad and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto Senate Bill 271, "AN ACT PROVIDING THAT AN ADMINISTRATIVE RULE OBJECTED TO BY A MAJORITY OF THE MEMBERS OF THE ADMINISTRATIVE CODE COMMITTEE MAY NOT BE ADOPTED UNTIL THE END OF THE 6-MONTH PERIOD DURING WHICH THE RULE MUST BE ADOPTED, UNLESS PRIOR TO THAT TIME, THE COMMITTEE MEETS AND DOES NOT MAKE THE SAME OBJECTION; PROVIDING THAT AN ADMINISTRATIVE RULE OBJECTED TO BY THE ADMINISTRATIVE CODE COMMITTEE BEFORE THE RULE IS ADOPTED IS IN SOME CIRCUMSTANCES NOT EFFECTIVE UNTIL AFTER ADJOURNMENT OF THE NEXT REGULAR SESSION OF THE LEGISLATURE; AMENDING SECTIONS 2-4-305 AND 2-4-306, MCA; AND PROVIDING AN APPLICABILITY DATE" for the following reasons.

Senate Bill 271 is similar to a bill vetoed during the 1995 legislative session. It would allow a majority of members of the Administrative Code Committee to hold up the implementation of a law passed by both houses of the Legislature and signed by the Governor until after the next regular session of the Legislature adjourned. Using the worst case scenario, five members of the Legislature could delay the effect of a duly-adopted law for two years.

I believe, as I did in 1995, that this proposal is unconstitutional. Administrative rules are extensions of the law, restricted delegations of authority from the legislative branch to the executive branch of government. Giving five members of the Legislature the power to control the executive branch's ability to carry out its responsibilities is a violation of the principle of separation of powers, Article III, section 1 of the Montana Constitution. It infringes upon the executive's duty to faithfully execute the laws, as required by Article VI, section 4(1).

Moreover, allowing five members of a legislative committee to suspend implementation of an administrative rule amounts to giving those five members the power to repeal any law that delegates rulemaking powers to the executive branch. Any act which authorizes five legislators to repeal a law is a violation of Article V, section 11(1) of the Montana Constitution, which requires the action of a majority of the members of the body present and voting before adoption or repeal of a law. In other words, Senate Bill 271 unconstitutionally gives law-making authority to a legislative committee.

There has always been a general concern about agency rulemaking, and, although it has been difficult to ascertain actual examples of rules that are not in conformity with the statute they implement, that concern is understandable. I submit, however, that there are adequate checks and balances already in existence to curb any over-zealous rulemakers. They include the protections afforded the public by the rulemaking process itself, judicial review, additional clarifying legislation, repeal of a rule by the Legislature, supervision by oversight committees, legislative appropriations, control by the executive, and lawful objections by the Administrative Code Committee. In addition, this administration has directed agencies to contact sponsors of legislation when they prepare to issue rules that implement that legislation, a practice which will now become law if House Bill 199 is approved.

Unlike the provisions of Senate Bill 271, the above-mentioned controls limit agency options while keeping the constitutional separation of powers doctrine intact.

Sincerely,

MARC RACICOT
Governor

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The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

April 18, 1997

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

Dear President Aklestad and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 87, **"AN ACT ELIMINATING THE REQUIREMENT THAT THE SECRETARY OF STATE TRANSFER PROPRIETARY FUNDS TO THE GENERAL FUND AT THE END OF A FISCAL YEAR; REQUIRING THAT FEES FOR FILING AND COPYING SERVICES BE COMMENSURATE WITH COSTS; PROVIDING THAT THE FEES BE DEPOSITED INTO AN INTERNAL SERVICE FUND; AMENDING SECTION 2-6-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"** for the following reasons.

Senate Bill 87 addresses the deposit of filing and copying fees collected by the Secretary of State. It provides that fees that are collected must be deposited into an internal service fund.

The Department of Administration has brought to my attention that the result of Senate Bill 87 is that the entire operation of the Secretary of State's Office would become an internal service fund, a result that is not appropriate from the perspective of generally accepted accounting principles and that would create problems when the State's financial statements are prepared.

This result was apparently inadvertent, and I am proposing a correction to the bill that would require that fees collected by deposited into a proprietary fund, rather than an internal service fund.

It is my understanding that Senator Jergeson, the sponsor of Senate Bill 87, understands the need for this amendment.

Sincerely,

MARC RACICOT
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 87

1. Title, line 8.
Strike: "AN INTERNAL SERVICE FUND"
Insert: "A PROPRIETARY FUND"

2. Page 2, line 9.
Strike: "AN INTERNAL SERVICE FUND"

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Insert: "a proprietary fund"

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

April 18, 1997

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

Dear President Aklestad and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 308, **"AN ACT REQUIRING STATE AND LOCAL GOVERNMENT ENTITIES TO PREPARE A WRITTEN STATEMENT OF LEGAL AUTHORITY BEFORE TAKING CERTAIN ACTION; PROVIDING DEFINITIONS AND EXCEPTIONS; PROVIDING FOR CIVIL ACTIONS AND A CIVIL PENALTY; AMENDING SECTION 7-1-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"** for the following reasons.

Senate Bill 308 gives state and local government fifteen days in which to provide an applicant a written statement of authority any time it either denies or issues with conditions a permit, certificate, or license. The statement must include the reason for the act, a citation to the applicable legal authority, the governmental entity's interpretation of the legal authority, and information about how to appeal the decision. While I understand the intent of the bill, I believe it goes too far.

First of all, Senate Bill 308 will create new responsibilities and associated costs for state and local government, without any funds for carrying out those responsibilities having been provided to date.

With respect to the state government, Senate Bill 308 will apply to the over 65,000 hunting permits denied each year by the Department of Fish, Wildlife, and Parks as a result of permit drawings. It will apply to the 1500 driver's licenses that the Motor Vehicle Division of the Department of Justice denies each year because the applicants fail the written or driving test. At a time when government funding is tight, the expense of notifying these applicants in writing of the factual basis for the act, the legal authority for the act, the relevant legal interpretation, and information about appealing the act seems unjustifiable.

Senate Bill 308 also applies to state liquor and gambling licenses, and to the 70,000 motor carrier permits that are issued with restrictions each year. Assuming that a written explanation is warranted, requiring that it be sent out within fifteen days is no small problem for agencies who are given no additional funding to provide this service. The most recent fiscal note indicates an impact of over \$100,000 per year to state agencies. The fiscal impact on local government has not been quantified.

I am also opposed to the bill's creation of yet another cause of action against governmental entities. Current law already allows individuals to collect costs and reasonable attorneys' fees when government acts in bad faith. By establishing yet another category of litigation, section 5 invites additional lawsuits by citizens against government, at a time when government is spending too much of its resources for costs of litigation.

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Finally, section 6 of the bill amends current law in a manner that is inconsistent with the Montana Constitution. Article XI, section 4 of the Montana Constitution requires that the powers of incorporated cities and towns and counties shall be liberally construed. Section 7-1-106, MCA, tracks that language by providing that every reasonable doubt as to the existence of a local government power or authority shall be resolved in favor of the existence of that power or authority. Senate Bill 308, however, adds a qualification to section 7-1-1-06, which results in resolving doubts in favor of the existence of local government power "except for a power or authority to deny or issue with conditions a permit, certificate, license, or similar or equivalent right or privilege." The Legislature may not, by statute, add a qualification to an unqualified constitutional requirement.

I am proposing amendments to Senate Bill 308 that would limit the fiscal impact of the bill and still address the perceived abuses. The amendments will require that state and local government provide upon request an applicant with a statement of legal authority for any permit, certificate or license denied or issued with conditions. Putting this requirement in the law will result in government's ability to take adverse personnel action where appropriate if a government employee does not comply with the requirement.

Sincerely,

MARC RACICOT
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 308

1. Title, line 5.

Strike: "PREPARE"

Insert: "provide upon request"

Following: "~~AND~~"

Insert: "the"

Following: "AUTHORITY"

Insert: "upon which"

Strike: "BEFORE TAKING"

2. Title, line 6.

Following: "ACTION"

Insert: "is based:

Strike: "PROVIDING FOR CIVIL ACTIONS"

3. Title, line 7.

Strike: "AND A CIVIL PENALTY"

Strike: "AMENDING SECTION 7-1-106,"

4. Title, line 8.

Strike: "MCA,"

5. Statement of intent, page 1, lines 13 through 16.

Strike: "IN" on line 13 through "ACTION." on line 16

6. Statement of intent, page 1, line 17.

Following: "IS"

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Insert: "therefore"
Following: "SHOULD"
Insert: "upon request"
Strike: "NOT"

7. Statement of intent, page 1, lines 18 through 20.
Strike: "ACT" on line 18 through "KNOWN" on line 20
Insert: "provide"

8. Statement of intent, line 20.
Strike: "UNDER"
Insert: "upon"
Following: "WHICH"
Insert: "certain action is based"

9. Statement of intent, page 1, lines 20 and 21.
Strike: "THEY" on line 20 through "WELL" on line 21

10. Page 2, line 7.
Strike: "their"
Insert: "the"

11. Page 2, line 8.
Strike: "and the factual basis for their actions"
Insert: "upon which certain action is based"

12. Page 2, line 9.
Following: "will"
Insert: "articulate and"

13. Page 2, line 12.
Strike: "at a lower level"

14. Page 2, line 14.
Strike: "For" through "construed."

15. Page 2, line 22.
Strike: "SIMILAR OR EQUIVALENT RIGHT OR PRIVILEGE"
Insert: "the equivalent of such permit, certificate, or license,"

16. Page 3, line 17.
Strike: "ISSUE"
Insert: "provide upon request"

17. Page 3, line 18.
Strike: "government"
Insert: "legal"
Following: "authority"
Insert: "upon which the action is based"

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18. Page 3, lines 18 and 19.

Strike: "prepared" on line 18 through "section" on line 19

19. Page 3, line 19.

Strike: "ISSUED"

Insert: "provided"

Strike: "15"

Insert: "30"

20. Page 3, line 20.

Strike: ":",

21. Page 3, line 21.

Strike: line 21 in its entirety

22. Page 3, line 22.

Strike: "(b)"

Following: "act"

Insert: ":",

23. Page 3, line 23 through page 4, line 23.

Strike: page 3, line 23 through page 4, line 23 in their entirety

Renumber: subsequent sections

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 195, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Gillan, Grady, Grimes, Grinde, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Rehbein, Rose, Sands, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Vick, Walters, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Adams, Arnott, Bankhead, Barnhart, Boharski, Brainard, Carey, Cobb, Ewer, Galvin, Hagener, H.S. Hanson, Harper, Hurdle, J. Johnson, Jore, Krenzler, Molnar, Orr, Peck, Prouse, Ream, Ryan, Schmidt, Simon, Swanson, Tropila, Tuss, Wagner, Whitehead, Wyatt.

Total 31

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

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Absent or not voting: None.

Total 0

HB 517, free conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wiseman, Zook, Mr. Speaker.

Total 58

Noes: Beaudry, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Lawson, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 38

Voted Absentee: Heavy Runner, Sands, Noes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: Orr.

Total 1

HB 547, free conference committee report, not adopted as follows:

Ayes: Anderson, Bankhead, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, R. Johnson, Kasten, Keenan, Marshall, Masolo, McCann, McGee, Mood, Ohs, Quilici, Rehbein, Rose, Simpkins, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Walters, Wiseman, Zook, Mr. Speaker.

Total 45

Noes: Adams, Ahner, Arnott, Barnett, Barnhart, Beaudry, Boharski, Carey, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, Jore, Kottel, Krenzler, Lawson, McCulloch, Menahan, Mills, Molnar, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Squires, Swanson, Tuss, Vick, Wagner, Whitehead, Wyatt.

Total 52

Voted Absentee: Heavy Runner, Sands, Noes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: None.

Total 0

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ream in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 367 - Representative Harper moved SB 367 be concurred in.

Representative Simpkins excused at this time.

Representative Harper moved SB 367, second reading copy, be amended as follows (amendment #1):

1. Page 5, line 26.

Following: "i"

Insert: "and"

2. Page 5, lines 27 and 28.

Strike: "AND" on line 27 through "i" on line 28

3. Page 6, lines 2 and 3.

Strike: "i" on line 2 through "(A)" on line 3

4. Page 6, lines 3 through 7.

Strike: "i" on line 3 through "ELECTIONS" on line 7

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Brainard, Clark, Jore, McGee, Mood, Orr.

Total 6

Excused: Heavy Runner, Kitzenberg, Knox, Sands, Simpkins, Wells.

Total 6

Absent or not voting: Wagner.

Total 1

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Representative Jore moved SB 367, second reading copy, be further amended as follows (amendment #2):

1. Page 4, line 24.

Following: "guaranteed in"

Strike: "Article I"

Insert: "Article IV, Section 4,"

Amendment #2 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: None.

Total 0

Excused: Heavy Runner, Kitzenberg, Knox, Sands, Simpkins, Wells.

Total 6

Absent or not voting: None.

Total 0

Representative Denny moved SB 367, second reading copy, be further amended as follows (amendment #3):

1. Page 1, line 25.

Following: "campaigns"

Insert: "may"

2. Page 1, line 26.

Following: line 25

Insert: "may"

Following: "and"

Insert: "may eventually"

Amendment #3 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters,

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Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: None.
Total 0

Excused: Heavy Runner, Kitzenberg, Knox, Sands, Simpkins, Wells.
Total 6

Absent or not voting: None.
Total 0

Representative Brainard moved SB 367, second reading copy, be further amended as follows (amendment #4):

1. Page 4, line 29.
Following: "(1)"
Insert: "(a)"

2. Page 5, line 2.
Following: line 1
Insert: "(b) Independent expenditures may not exceed \$500 by a political committee on a primary or general election campaign or \$250 by an individual person on a primary or general election campaign, including the value of in-kind contributions used."

Amendment #4 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ewer, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Marshall, Masolo, McCann, McGee, Molnar, Mood, Ohs, Orr, Peck, Quilici, Raney, Rehbein, Rose, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wiseman, Zook, Mr. Speaker.
Total 64

Noes: Adams, Barnhart, Boharski, Carey, Cobb, Cocchiarella, Dowell, Galvin, Gillan, Hagener, Harper, Harrington, Jore, Kottel, Krenzler, Lawson, McCulloch, Menahan, Mills, Pavlovich, Pease, Prouse, Ream, Ryan, Squires, Whitehead, Wyatt.
Total 27

Excused: Heavy Runner, Kitzenberg, Knox, Sands, Simpkins, Wells.
Total 6

Absent or not voting: Beaudry, Ellis, Holland.
Total 3

Representative Denny moved SB 367, second reading copy, be further amended as follows (amendment #5):

1. Page 6, line 8.
Following: "(5)"

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Insert: "(a)"

2. Page 6, line 11.

Insert: "(b) An amount prescribed in subsection (2) that is not spent in a primary election may be spent in the general election in addition to the amount prescribed in subsection (2) for the general election."

Amendment #5 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kottel, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wiseman, Zook, Mr. Speaker.

Total 61

Noes: Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, J. Johnson, Krenzler, Lawson, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 33

Voted Absentee: Sands, No.

Excused: Heavy Runner, Kitzenberg, Knox, Simpkins, Wells.

Total 5

Absent or not voting: Barnhart.

Total 1

Representative Denny moved SB 367, second reading copy, be further amended (amendment #6). Motion failed as follows: (36-52)

Representative Grinde moved SB 367, second reading copy, be further amended (amendment #7). Motion failed as follows: (41-50)

Representative Simpkins present at this time.

Motion to concur in SB 367, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Bitney, Boharski, Curtiss, H.S. Hanson, Hayne, Jore, Kasten, Marshall, McGee, Orr, Prouse, Rehbein, Story, Wells.

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Total 15

Voted Absentee: Heavy Runner, Kitzenberg, Knox, Sands, Ayes; Wells, No.

Excused: None.

Total 0

Absent or not voting: Molnar, Ohs.

Total 2

HB 17 - Representative Pavlovich moved the free conference committee report to HB 17 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Keenan, Kottel, Krenzler, Lawson, Marshall, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Adams, Arnott, Barnhart, Bergsagel, Curtiss, Devaney, R. Johnson, Jore, Kasten, Masolo, McCann, Orr, Peck, Soft, Vick.

Total 15

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: Simon.

Total 1

HB 122 - Representative Smith moved the free conference committee report to HB 122 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Adams, Arnott, Hagener, Hurdle, Jore, Kottel, Orr, Prouse, Whitehead.

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Total 9

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: Brainard.

Total 1

SB 251 - Representative Mills moved the conference committee report to SB 251 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Brainard, Jore, Orr, Tuss, Vick, Wagner.

Total 7

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: None.

Total 0

SB 272 - Representative Rose moved the conference committee report to SB 272 be not adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Boharski, Jore, Orr, Prouse, Sands, Simpson.

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Total 6

Voted Absentee: Heavy Runner, Aye; Sands, No.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: Grinde.

Total 1

SB 283 - Representative Grinde moved the conference committee report to SB 283 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Curtiss, Orr.

Total 2

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: None.

Total 0

SB 44 - Representative Anderson moved the free conference committee report to SB 44 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Kasten, Kottel, Prouse.

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Total 3

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: None.

Total 0

SB 374 - Representative Grinde moved consideration of SB 374 be placed at the bottom of the second reading board. Motion carried.

SB 57 - Representative Story moved the free conference committee report to SB 57 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 77

Noes: Arnott, Barnhart, Brainard, Cobb, Curtiss, DeBruycker, Feland, Galvin, Hagener, Hayne, Jore, Kasten, Masolo, Orr, Prouse, Rehbein, Smith, Walters, Wyatt.

Total 19

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: Vick.

Total 1

HB 584 - Representative Beaudry moved the conference committee report to HB 584 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 91

Noes: Adams, Arnott, Jore, Orr, Prouse, Rehbein, Wagner.

Total 7

Voted Absentee: Heavy Runner, Knox, Sands, Ayes.

Excused: Kitzenberg, Wells.

Total 2

Absent or not voting: None.

Total 0

HB 169 - Representative Zook moved Senate amendments to HB 169 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Adams, Arnott, Galvin, Jore, Kasten, Prouse, Vick, Wagner, Wyatt.

Total 9

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: None.

Total 0

HB 597 - Representative Rose moved Senate amendments to HB 597 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 88

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Noes: Arnott, Barnhart, Cobb, Jore, Orr, Prouse, Rehbein, Wyatt.

Total 8

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: Bankhead.

Total 1

HB 10 - Representative Quilici moved Senate amendments to HB 10 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Adams, Arnott, Boharski, Devaney, Jore, Kasten, Orr, Prouse, Vick.

Total 9

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: Ellis.

Total 1

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ream moved that the Committee of the Whole report be adopted. Report adopted. (83-9)

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 13
Report No. 1, April 19, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 13 and recommend that House Bill 13 be amended as follows:

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1. Title, line 19.

Following: "~~AN~~"

Insert: "AN"

2. Title, lines 19 and 20.

Following: "EFFECTIVE" on line 19

Strike: the remainder of line 19 through "APPLICABILITY" on line 20

3. Page 25, line 28.

Following: "~~thereafter~~"

Insert: "of \$31,551 and beginning October 1, 1997, is entitled to receive a salary"

4. Page 26, lines 27 and 28.

Strike: lines 27 and 28 in their entirety.

Renumber: subsequent section

5. Page 26, line 30.

Following: "~~date.~~"

Strike: the remainder of line 30

Insert: "date."

6. Page 27, line 1.

Following: "~~This~~"

Strike: "THIS"

Insert: "This"

7. Page 27, line 2.

Strike: line 2 in its entirety

And this Free Conference Committee report be adopted.

For the House:

DeBruycker
Menahan

For the Senate:

Miller, Chairman
Waterman
Mahlum

Free Conference Committee
on House Bill 252
Report No. 1, April 19, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 252 and recommend that House Bill 252 be amended as follows:

1. Title, line 7.

Following: "~~REQUIREMENTS;~~"

Insert: "REPEALING CERTAIN CONTRACTOR REGISTRATION REQUIREMENTS;"

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2. Title, line 9.

Following: "ENFORCEMENT,"

Insert: "AND"

3. Title, line 10.

Following: "PROCEDURES"

Strike: ", AND PENALTY PROVISIONS"

Following: "REGISTRATION;"

Insert: "PROVIDING FOR A PENALTY OF UP TO \$1,000 FOR CERTAIN VIOLATIONS OF THE CONSTRUCTION CONTRACTOR REGISTRATION LAWS; REQUIRING THAT ANY PENALTY COLLECTED BE DEPOSITED IN THE UNINSURED EMPLOYERS' FUND;"

4. Title, line 11.

Following: "INITIAL"

Insert: "2-YEAR"

Following: "MAXIMUM OF"

Strike: "\$50"

Insert: "\$70"

5. Title, line 12.

Following: "MAXIMUM OF"

Strike: "\$50"

Insert: "\$70"

6. Title, line 14.

Following: "ROADS"

Insert: ", FOR LICENSED WATER WELL CONTRACTORS, FOR ENROLLED TRIBAL MEMBERS OR TRIBALLY-OWNED BUSINESSES, FOR CERTAIN PROPERTY OWNERS, FOR PROJECTS COSTING LESS THAN \$2,500"

7. Title, line 17.

Following: "RENEWAL;"

Insert: "PROVIDING AN APPROPRIATION;"

8. Page 7, line 27.

Strike: "3"

Insert: "2"

9. Page 8, line 18 and line 19.

Strike: "\$50"

Insert: "\$70"

10. Page 9, lines 15 through 18.

Following: "person" on line 15

Strike: ", including" through the "registered"

Insert: "who, pursuant to an oral or written contract, engages a"

Following: "contractor" on line 16

Insert: "who is registered under this chapter on the date of the contract"

Following: "employer"

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Insert: "for workers' compensation coverage"

Following: "39-71-405"

Strike: "for workers' compensation and"

Insert: ", for"

Following: "coverage" on line 17

Insert: ", "

Following: "for" on line 17

Strike: remainder of line 17 through second "contractor" on line 18

Insert: "(1) the registered construction contractor;

(2) the employees of the registered construction contractor; or

(3) any subsequent subcontractor or the employees of any subsequent subcontractor engaged to fulfill a part of or all of the obligations of the oral or written contract of the registered construction contractor listed in subsection (1)"

11. Page 13, line 10.

Following: "infraction"

Insert: "-- penalty -- disposition"

Following: "~~(1)~~"

Insert: "(1)"

12. Page 13, line 12.

Strike: "~~(1)~~"

Insert: "(a)"

Renumber: subsequent subsections

13. Page 13.

Following: line 22

Insert: "(2)(a) A determination by the department of a violation of this section subjects the person who commits the violation to a penalty of up to \$1,000, as determined by the department. A person who has been determined to have violated this section may request that a hearing be held in accordance with the Montana Administrative Procedures Act. The hearing may be held by telephone or video conference. An appeal of the hearing decision must be made in the same manner as prescribed in 39-51-2403 and 39-51-2404.
(b) A penalty under this section does not apply to a violation that is determined to be an inadvertent error.
(c) A penalty collected under this section must be deposited in the uninsured employers' fund established in 39-71-502."

14. Page 19.

Following: line 22

Insert: "NEW SECTION. Section 15. Appropriation. There is appropriated from the state special revenue account to the department of labor and industry up to \$315,000 for the biennium ending June 30, 1999, for the purpose of administering the construction contractor registration program."

Renumber: subsequent section

And this Free Conference Committee report be adopted.

For the House:

Simon, Chairman
Cocchiarella

For the Senate:

Thomas, Chairman
Holden

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Bowman Shea

Free Conference Committee
on House Bill 264
Report No. 1, April 19, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 264 and recommend that House Bill 264 be amended as follows:

1. Title, line 8.

Following: "~~LAW~~"

Insert: "WHEN A YOUTH HAS BEEN FOUND BY A JUVENILE PROBATION OFFICER OR THE YOUTH COURT TO BE CURRENTLY INVOLVED IN DRUG USE OR OTHER CRIMINAL ACTIVITY AND"

2. Page 1, line 16.

Strike: "SUBSECTION (2)"

Insert: "subsections (2) and (3)"

3. Page 2.

Following: line 15

Insert: "(3) Notwithstanding the requirements of 20-5-321(1)(d) or (1)(e), if a petition has not been filed and the juvenile probation officer, youth court, or agency, as defined in 41-5-103, has reasonable cause to believe that a youth is currently involved with drug use or criminal activity or if a petition has been filed and the juvenile probation officer or youth court finds that a youth is currently involved in drug use or other criminal activity, the youth court shall notify the school that the youth will be attending of the drug use or criminal activity issues."

Renumber: subsequent subsections

4. Page 2, line 30.

Strike: "SUBSECTION (2)"

Insert: "subsections (2) and (3)"

And this Free Conference Committee report be adopted.

For the House:

Curtiss, Chairman
Molnar
Harrington

For the Senate:

Crippen, Chairman
Holden
Bartlett

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/19/97

Correctly enrolled: HB 339, HB 298, HB 561, HB 101, HB 599, HB 610, HB 601, HB 210, HB 166, HB 136, HB 131, HB 78, HB 49.

Examined by the sponsor and found to be correct: HB 49, HB 78, HB 101, HB 131, HB 136, HB 166, HB 210,

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HB 298, HB 339, HB 561, HB 599, HB 601, HB 610.

Representative Grinde moved the House recess until 1:30 p.m. Motion carried.

House recessed at 11:06 a.m.

House reconvened at 1:34 p.m. Mr. Speaker in the Chair.

Roll call. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the eighty-second legislative day, find the same to be correct.

Hayne, Chairman

MESSAGES FROM THE SENATE

The Senate on motion duly carried, on 4/19/97, overrode the Governor's Veto on **SB 271** and the bill is transmitted to the House for a vote to override.

House bill concurred in and returned to the House: 4/19/97

HB 616, introduced by Anderson

House joint resolution not concurred in and returned to the House: 4/19/97

HJR 33, introduced by Denny

Conference committee report #1 adopted: 4/19/97

SB 272, introduced by Aklestad

SB 283, introduced by Burnett

SB 339, introduced by Grosfield

Free conference committee report #1 adopted: 4/19/97

SB 57, introduced by Waterman

SB 195, introduced by Harp

SB 374, introduced by Hargrove

Governor's amendments concurred in: 4/19/97

SB 87, introduced by Jergeson

Free conference committee reports adopted: 4/19/97

HB 17, introduced by Pavlovich

HB 83, introduced by Bergsagel

HB 122, introduced by McGee

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HB 135, introduced by Smith
HB 188, introduced by Denny
HB 345, introduced by Masolo
HB 369, introduced by Brainard
HB 389, introduced by Simon
HB 398, introduced by R. Johnson
HB 517, introduced by Vick
HB 547, introduced by Rehbein

Free conference committee report #3 adopted:

4/19/97

SB 44, introduced by Holden

Conference committee reports adopted:

4/19/97

HB 99, introduced by Trexler
HB 584, introduced by Knox

MOTIONS

SB 271 - Representative Bankhead moved the House override the Governor's Veto on SB 271. Motion carried. (70-29)

Representative Harper moved the rules be suspended to permit placement and consideration of SB 367 on third reading this legislative day. Motion carried.

SB 31 - Representative Kottel moved the House override the Governor's Veto on SB 31. Representative Kottel withdrew her motion.

HB 268 - Representative Kottel moved the House override the Governor's Veto on HB 268. Motion carried. (82-14)

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ream in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 13 - Representative Wiseman moved the free conference committee report to HB 13 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee,

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Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Zook.

Total 75

Noes: Adams, Arnott, Barnett, Boharski, Brainard, Curtiss, Jore, Keenan, McCann, Molnar, Orr, Prouse, Rehbein, Sliter, Story, Vick, Wagner, Walters, Wells, Wyatt.

Total 20

Voted Absentee: Wells, No.

Excused: Heavy Runner, Kitzenberg, Knox, Sands.

Total 4

Absent or not voting: Mr. Speaker.

Total 1

SB 339 - Representative Stovall moved the conference committee report to SB 339 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Cobb, Denny, Grinde, M. Hanson, Jore, Kasten, Krenzler, Orr, Prouse, Rehbein, Taylor, Vick, Walters.

Total 18

Excused: Heavy Runner, Kitzenberg, Knox, Sands, Wells.

Total 5

Absent or not voting: Gillan, Kottel.

Total 2

HB 252 - Representative Simon moved the free conference committee report to HB 252 be adopted.

Representative Harrington assumed the Chair at this time.

Representative Ream resumed the Chair at this time.

Representative Tropila moved for cloture. Motion carried.

Motion to adopt report on HB 252 failed as follows:

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Ayes: Barnhart, Bohlinger, Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt, Zook.

Total 44

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Feland, Grimes, Grinde, Hayne, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Lawson, McGee, Mills, Molnar, Mood, Orr, Prouse, Raney, Rehbein, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wiseman, Mr. Speaker.

Total 52

Voted Absentee: Sands, Aye.

Excused: Heavy Runner, Kitzenberg, Knox, Wells.

Total 4

Absent or not voting: None.

Total 0

HB 264 - Representative Molnar moved consideration of HB 264 be passed for the day. Motion carried.

SB 87 - Representative Keenan moved Governor's amendments to SB 87 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Arnott, Jore, Orr.

Total 3

Excused: Heavy Runner, Kitzenberg, Knox, Sands, Wells.

Total 5

Absent or not voting: None.

Total 0

SB 308 - Representative Anderson moved Governor's amendments to SB 308 be concurred in. Motion carried as follows:

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Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Adams, Arnott, Boharski, Brainard, DeBruycker, Grady, Hibbard, Jore, Kasten, Molnar, Orr, Rehbein, Sliter, Tropila, Vick.

Total 15

Excused: Heavy Runner, Kitzenberg, Knox, Sands, Wells.

Total 5

Absent or not voting: None.

Total 0

Representative Ohs moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ream moved that the Committee of the Whole report be adopted. Report adopted. (79-14)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 17, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Adams, Arnott, Barnhart, Bergman, Bergsagel, Brainard, Clark, Curtiss, Devaney, Jore, Kasten, McCann, Molnar, Mood, Orr, Peck, Soft, Story, Taylor, Vick.

Total 20

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

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Absent or not voting: None.

Total 0

HB 122, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Adams, Arnott, Brainard, Carey, Cocchiarella, Ellingson, Ewer, Hagener, Harper, Hurdle, Jore, Kottel, McCulloch, Orr, Prouse, Ream, Ryan, Sands, Squires, Tuss, Vick, Whitehead.

Total 22

Voted Absentee: Heavy Runner, Aye; Sands, No.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: None.

Total 0

SB 251, conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Adams, Arnott, Boharski, Brainard, Curtiss, Harper, Jore, Keenan, McGee, Molnar, Orr, Prouse, Squires, Tuss, Vick, Wagner, Walters.

Total 17

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: None.

Total 0

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SB 283, conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Barnhart, Ellingson, Hurdle, Sands.

Total 4

Voted Absentee: Heavy Runner, Aye; Sands, No.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: None.

Total 0

SB 44, free conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Barnhart, Hurdle, Kottel, Krenzler, Prouse, Simpson.

Total 6

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: None.

Total 0

SB 57, free conference committee report, adopted as follows:

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Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wiseman, Zook, Mr. Speaker.

Total 72

Noes: Adams, Arnott, Barnhart, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Galvin, Hagener, Hayne, Jore, Kasten, Keenan, Masolo, Molnar, Orr, Prouse, Simpkins, Sliter, Smith, Vick, Walters, Whitehead, Wyatt.

Total 25

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: None.

Total 0

HB 584, conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, DeBruycker, R. Johnson, Jore, Kasten, Keenan, Krenzler, Orr, Peck, Prouse, Rehbein, Vick, Wagner.

Total 13

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: None.

Total 0

HB 169 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner,

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Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 84

Noes: Adams, Arnott, Boharski, DeBruycker, Galvin, Jore, Kasten, Orr, Prouse, Rehbein, Tuss, Wagner, Wyatt.
Total 13

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.
Total 3

Absent or not voting: None.
Total 0

HB 10 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 85

Noes: Adams, Arnott, Boharski, Brainard, Jore, Kasten, Keenan, Orr, Prouse, Rehbein, Vick, Wagner.
Total 12

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.
Total 3

Absent or not voting: None.
Total 0

SB 367 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 82

Noes: Adams, Boharski, Brainard, DeBruycker, Hayne, Jore, Kasten, Keenan, McGee, Orr, Prouse, Rehbein, Story, Wagner.

Total 14

Voted Absentee: Heavy Runner, Sands, Ayes.

Excused: Kitzenberg, Knox, Wells.

Total 3

Absent or not voting: Mills.

Total 1

MOTIONS

SB 31 - Representative Kottel moved the House override the Governor's Veto on SB 31. Motion carried. (78-16)

MESSAGES FROM THE SENATE

House bill not concurred in and returned to the House: 4/17/97

HB 303, introduced by Boharski

The Senate, on motion duly carried, 4/19/97, overrode the Governor's Veto on **SB 31** and the bill is transmitted to the House for a vote to override.

House bill not concurred in and returned to the House: 4/19/97

HB 334, introduced by Peck

The Senate, on 4/19/97, on motion duly carried, dissolved the conference committee on House amendments to **SB 272**, and the President was authorized to appoint a new conference committee. The House was requested to appoint a like committee to confer on SB 272.

President Aklestad appointed the following members:

Senator Aklestad, Chairman

Senator Glaser

Senator Wilson

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 19, 1997

HOUSE JOURNAL
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Dear Representative Mercer:

Please be informed that I have signed House Bill 365 sponsored by Representative McGee et al. on April 19, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

April 19, 1997

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

Dear President Aklestad and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto Senate Bill 252, **"AN ACT REVISING COUNTY SHERIFF AND CITY POLICE RESPONSIBILITIES FOR HANDLING ABANDONED VEHICLES AND PROVIDING FOR PAYMENT OF CERTAIN ABANDONED VEHICLE REMOVAL CHARGES FROM MOTOR VEHICLE DISPOSAL FEES; AMENDING SECTIONS 61-12-401, 61-12-402, 61-12-403, 61-12-404, 75-10-503, AND 75-10-532, MCA; AND PROVIDING AN EFFECTIVE DATE"** for the following reasons.

Senate Bill 252 expands the program for handling junk vehicles. The estimated cost to the State is \$46,882 in fiscal year 1998 and \$143,132 in fiscal year 1999. Without additional sources of revenue to cover projected costs, the counties will be unable to keep up with the scope of the existing program, as vehicle handling costs increase.

No funding has been provided for Senate Bill 252, and I am therefore vetoing it. The difficult task of carefully and thoughtfully funding essential government services cannot be resolved by requiring government to take on additional unfunded responsibilities.

Sincerely,

MARC RACICOT
Governor

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following Senate bill was introduced, read first time, and referred to committee:

SJR 20, introduced by Eck.

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ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Ohs moved the House adjourn until 9:00 a.m., Monday, April 21, 1997. Motion carried.

House adjourned at 3:21 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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Helena, Montana
April 21, 1997

House Chambers
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Krenzler. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Gillan, Knox, Sands, excused. Quorum present.

Mr. Speaker introduced this week's pages:

Kinsey Casey, Helena
Rebecca Helvik, Helena
Joanna Bankhead, Heron
Joseph Plowman, Boyd
Scott Johnson, Montana City

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/21/97

Correctly enrolled: HB 102, HB 135, HB 188, HB 398, HB 616, HB 584, HB 345, HB 389.

Examined by the sponsor and found to be correct: HB 102, HB 135, HB 188, HB 345, HB 389, HB 398, HB 584, HB 616.

Signed by the Speaker at 6:34 p.m., April 19, 1997: HB 568, HB 6, HB 435, HB 361, HB 248, HB 604, HB 551, HB 554, HB 394, HB 146, HB 100, HB 524, HB 171, HB 559, HB 343, HB 331, HJR 27, HJR 28.

Signed by the Speaker at 7:00 p.m., April 19, 1997: HB 134, HB 598, HB 287, HB 371.

Signed by the Speaker at 2:39 p.m., April 20, 1997: HB 168, HB 426, HB 53.

Signed by the Speaker at 3:21 p.m., April 20, 1997: HB 399, HB 395, HB 558, HB 344, HB 360, HB 546, HB 508, HB 523, HB 203, HB 183, HB 376, HB 180, HB 120, HJR 23, HJR 4, HJR 25, HJR 13.

Signed by the Speaker at 3:52 p.m., April 20, 1997: HB 615, HB 607, HB 123, HB 555, HB 74, HB 591, HB 139, HB 483, HB 430, HB 75, HB 137, HB 104, HB 31, HB 407, HB 531, HB 333, HB 129, HB 173, HB 518, HB 401, HB 323, HB 502.

Signed by the Speaker at 3:28 p.m., April 21, 1997: HB 210, HB 78, HB 166, HB 561, HB 131.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 5
Report No. 1, April 21, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 5 and recommend that House Bill 5 be amended as follows:

1. Title, line 6.

Strike: "CONTINGENTLY"

Following: "APPROPRIATING"

Insert: "A PORTION OF"

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2. Title, line 8.

Strike: "ELIMINATING"

Insert: "REVISING"

3. Title, line 9.

Strike: "OR"

Insert: "AND"

4. Title, line 17.

Strike: "5-11-115,"

Following: "15-65-121,"

Insert: "AND"

Strike: "22-2-301, AND 22-2-304,"

5. Page 6, line 15.

Strike: "1,000,000"

Insert: "1,500,000"

6. Page 7, line 12.

Strike: "21"

Insert: "8"

7. Page 8, line 13.

Following: line 12

Insert: "(f) It is the intent of the 55th legislature that \$500,000 of the appropriation to the department of fish, wildlife, and parks for road improvements, state parks be used to fund the Hell Creek road project."

8. Page 8, line 29.

Strike: "AT LEAST 50%"

Insert: "100%"

9. Page 9, line 2.

Strike: "NO MORE THAN 50%"

Insert: "none"

10. Page 9, line 15.

Following: "(3)"

Insert: "(a)"

11. Page 9, line 22.

Strike: "\$16,050,000"

Insert: "\$4,050,000"

12. Page 9, line 27.

Following: line 26

Insert: "(b) It is the intent of the 55th legislature that no student building fees be increased to fund the \$4,050,000 in authority only projects approved for the university of Montana."

13. Page 10, line 25.

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Strike: "CONTINGENT APPROPRIATION"

Insert: "Appropriation"

14. Page 10, line 26.

Strike: "IF"

Insert: "In addition to the"

15. Page 10, line 27.

Strike: "ARE NOT"

16. Page 10, line 28.

Strike: "THEN"

Insert: "\$3,912,500 from"

Strike: ", UP TO \$7,750,000,"

17. Page 11, lines 2 and 3.

Following: " " on line 2

Strike: remainder of line 2 through " " on line 3

18. Page 11, line 16 through page 12, line 9.

Strike: section 10 in its entirety

Renumber: subsequent sections

19. Page 12, line 29.

Strike: "The"

Insert: "Beginning July 1, 1997, and ending June 30, 1999, the"

Strike: "1.79%"

Insert: "0.87%"

20. Page 13, line 1.

Following: " "

Insert: "Beginning July 1, 1999, the amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects."

21. Page 13, line 2.

Following: "~~projects.~~"

Insert: "Income from this trust fund must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects."

22. Page 13, line 3.

Following: line 2

Insert: "(7) Beginning July 1, 1997, and ending June 30, 2007, the amount of 1.3% must be allocated to the long-range building program fund in the debt service fund type to fund the bonds issued for the purchase of the Virginia City and Nevada City property."

Renumber: subsequent subsection

23. Page 13, line 17.

Strike: "20"

Insert: "17"

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24. Page 15, line 2.

Strike: "20"

Insert: "17"

25. Page 15, line 18 through page 16, line 6.

Strike: sections 14 and 15 in their entirety

Renumber: subsequent sections

26. Page 18, line 4.

Strike: "16"

Insert: "13"

Strike: "18"

Insert: "15"

Strike: "20"

Insert: "17"

27. Page 18, line 13.

Strike: "18"

Insert: "15"

28. Page 19, line 2.

Following: "(3)"

Insert: "(a)"

Strike: "THE"

Insert: "Subject to subsection (3)(b), the"

29. Page 19, line 4.

Following: "THE"

Insert: "property and the"

30. Page 19, line 5.

Following: line 4

Insert: "(b)(i) Until the balance in the cultural and aesthetic trust reaches \$7,750,000, the commission shall deposit the portion of profits not used for administrative costs and restoration of the properties in the cultural and aesthetic trust.

(ii) Once the balance in the cultural and aesthetic trust reaches \$7,750,000, the commission shall deposit the portion of profits not used for administrative costs and restoration of the properties in the general fund.

(c) It is the intent of the 55th legislature that no general fund money be provided for the operation and maintenance of Virginia City and Nevada City beyond what has been appropriated by the 55th legislature."

31. Page 20, line 9.

Strike: "16"

Insert: "13"

32. Page 20, line 10.

Strike: "18"

Insert: "15"

Strike: "20"

Insert: "17"

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33. Page 20, line 11.

Strike: "16"

Insert: "13"

Strike: "18"

Insert: "15"

34. Page 20, line 12.

Strike: "20"

Insert: "17"

35. Page 20, line 25 through page 21, line 19.

Strike: section 24 in its entirety

Renumber: subsequent sections

36. Page 21, line 26.

Strike: "(1)"

37. Page 21, line 29 through page 22, line 6.

Strike: subsections (2) and (3) in their entirety

38. Page 22, line 10.

Strike: "SECTIONS"

Insert: "Section"

Insert: "THROUGH 12"

Strike: "ARE"

Insert: "is"

39. Page 22, line 11.

Strike: "12"

Insert: "11"

40. Page 22, line 12.

Strike: subsection (4) in its entirety

And this Free Conference Committee report be adopted.

For the House:

Vick, Chairman

Holland

Peck

For the Senate:

Keating, Chairman

Taylor

Free Conference Committee
on House Bill 14
Report No. 1, April 19, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 14 and recommend that House Bill 14 be

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 21, 1997

amended as follows:

1. Page 2, line 12.

Strike: "7,825,000"

Insert: "3,912,500"

2. Page 3, line 5.

Strike: "\$51,144,315"

Insert: "\$47,231,815"

And this Free Conference Committee report be adopted.

For the House:

R. Johnson, Chairman
Keenan

For the Senate:

Beck, Chairman
Jenkins
Christiaens

Conference Committee
on Senate Bill 272
Report No. 2, April 19, 1997

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 272, met and considered the House amendments to SB 272 dated April 9, 1997.

We recommend that the House amendments to Senate Bill 272 be rejected.

And that this Conference Committee report be adopted.

For the Senate:

Aklestad, Chairman
Glaser
Wilson

For the House:

Rose, Chairman
Bohlinger
McCulloch

Representative Grinde moved the House recess until 10:00 a.m. Motion carried.

House recessed at 9:07 a.m.

House reconvened at 10:11 a.m. Mr. Speaker in the Chair.

MESSAGES FROM THE SENATE

The Senate on motion duly carried, on 4/21/97, overrode the Governor's Veto on **HB 268** and the bill is herewith transmitted to the House.

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COMMUNICATIONS AND PETITIONS

OFFICE OF THE SPEAKER

Mrs. Marilyn Miller
Chief Clerk
Montana House of Representatives
Capitol Station
Helena, Montana 59620

April 18, 1997

Dear Marilyn:

I hereby appoint the following members to the Revenue Oversight Committee:

Sheill Anderson
Chase Hibbard
Robert Story
Dan Harrington
Bob Ream
Joe Tropila

Sincerely,

John A. Mercer
Speaker

Mrs. Marilyn Miller
Chief Clerk
Montana House of Representatives
Capitol Station
Helena, Montana 59620

April 18, 1997

Dear Marilyn:

I hereby appoint the following members to the Subcommittee on Veterans' Needs:

Roger DeBruycker
Harriet Hayne
John Johnson
Dorothy Simpson

Sincerely,

John A. Mercer
Speaker

Mrs. Marilyn Miller
Chief Clerk

April 18, 1997

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Montana House of Representatives
Capitol Station
Helena, Montana 59620

Dear Marilyn:

I hereby appoint Representative Cliff Trexler to the Future Fisheries Review Panel.

Sincerely,

John A. Mercer
Speaker

Mrs. Marilyn Miller
Chief Clerk
Montana House of Representatives
Capitol Station
Helena, Montana 59620

April 18, 1997

Dear Marilyn:

I hereby appoint Representative Matt Denny to the Gaming Advisory Council.

Sincerely,

John A. Mercer
Speaker

Mrs. Marilyn Miller
Chief Clerk
Montana House of Representatives
Capitol Station
Helena, Montana 59620

April 18, 1997

Dear Marilyn:

I hereby appoint the following members to the Environmental Quality Council:

Dick Knox
Karl Ohs
Bill Tash
Vicki Cocchiarella
George Heavy Runner
Kim Gillan

Sincerely,

John A. Mercer
Speaker

HOUSE JOURNAL
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Mrs. Marilyn Miller
Chief Clerk
Montana House of Representatives
Capitol Station
Helena, Montana 59620

April 18, 1997

Dear Marilyn:

I hereby appoint the following members to the Legislative Oversight Committee on Montana-ARCO Litigation:

Liz Smith
Jon Ellingson

Sincerely,

John A. Mercer
Speaker

Mrs. Marilyn Miller
Chief Clerk
Montana House of Representatives
Capitol Station
Helena, Montana 59620

April 18, 1997

Dear Marilyn:

I hereby appoint the following members to the Legislative Audit Committee:

Ernest Bergsagel
Bob Keenan
Bruce Simon
Beverly Barnhart
Toni Hagener
Bob Pavlovich

Sincerely,

John A. Mercer
Speaker

Mrs. Marilyn Miller
Chief Clerk
Montana House of Representatives
Capitol Station
Helena, Montana 59620

April 18, 1997

Dear Marilyn:

I hereby appoint the following members to the Administrative Code Committee:

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Paul Bankhead
Gay Ann Masolo
Deb Kottel
Diana Sands

Sincerely,

John A. Mercer
Speaker

Mrs. Marilyn Miller
Chief Clerk
Montana House of Representatives
Capitol Station
Helena, Montana 59620

April 18, 1997

Dear Marilyn:

We hereby appoint the following citizen members to the Environmental Quality Council:

Jerry Sorenson
Jeanne-Marie Souvigney

Sincerely,

John A. Mercer and Representative Vicki Cocchiarella
Speaker

Mrs. Marilyn Miller
Chief Clerk
Montana House of Representatives
Capitol Station
Helena, Montana 59620

April 19, 1997

Dear Marilyn:

We hereby appoint the following members to the Legislative Finance Committee:

Royal Johnson
Steve Vick
Tom Zook
Matt McCann
Ray Peck
Bob Raney

Sincerely,

John A. Mercer and Representative Tom Zook
Speaker

HOUSE JOURNAL
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Mrs. Marilyn Miller
Chief Clerk
Montana House of Representatives
Capitol Station
Helena, Montana 59620

April 19, 1997

Dear Marilyn:

I hereby appoint the following members to the Committee on Indian Affairs:

Jay Stovall
Allan Walters
Linda McCulloch
Gerald Pease

Sincerely,

John A. Mercer
Speaker

Mrs. Marilyn Miller
Chief Clerk
Montana House of Representatives
Capitol Station
Helena, Montana 59620

April 19, 1997

Dear Marilyn:

I hereby appoint the following members to the Committee on Children & Families:

Loren Soft
Bob Lawson
Carolyn Squires
Bill Whitehead

Sincerely,

John A. Mercer
Speaker

Mrs. Marilyn Miller
Chief Clerk
Montana House of Representatives
Capitol Station
Helena, Montana 59620

April 19, 1997

Dear Marilyn:

I hereby appoint the following members to the Committee on Public Employee Retirement Systems:

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Matt Brainard
Doug Mood
Patrick Galvin
Diana Wyatt

Sincerely,

John A. Mercer
Speaker

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 14 - Representative R. Johnson moved the free conference committee report to HB 14 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McGee, Mills, Mood, Ohs, Pavlovich, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 61

Noes: Adams, Arnott, Barnhart, Boharski, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Harper, Harrington, Heavy Runner, Hurdle, Jore, Kottel, McCann, McCulloch, Menahan, Molnar, Orr, Pease, Peck, Prouse, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Wagner, Whitehead, Wyatt.

Total 39

Voted Absentee: Knox, Aye; Gillan, Sands, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 5 - Representative Vick moved consideration of HB 5 be placed at the bottom of the second reading board. Motion carried.

HB 9 - Representative Bergsagel moved Senate amendments to HB 9 be concurred in. Motion carried as follows:

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Ayes: Anderson, Bankhead, Barnhart, Bergman, Bergsagel, Bitney, Bohlinger, Carey, Clark, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Whitehead, Wiseman, Wyatt.

Total 63

Noes: Adams, Arnott, Barnett, Beaudry, Boharski, Bookout, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Hayne, Holland, Jore, Kasten, Keenan, Lawson, Marshall, McCann, McGee, Molnar, Orr, Prouse, Rehbein, Rose, Sliter, Smith, Tuss, Vick, Wagner, Wells, Zook, Mr. Speaker.

Total 35

Voted Absentee: Gillan, Knox, Sands, Ayes.

Excused: None.

Total 0

Absent or not voting: Ahner, Grinde.

Total 2

SB 374 - Representative Soft moved the free conference committee report to SB 374 be adopted.

Representative Whitehead excused at this time.

Motion to adopt report on SB 374 failed as follows:

Ayes: Anderson, Barnett, Bergsagel, Bohlinger, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Heavy Runner, Hibbard, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Marshall, Masolo, Menahan, Ohs, Pavlovich, Quilici, Rose, Ryan, Sands, Smith, Soft, Story, Tash, Wiseman, Zook, Mr. Speaker.

Total 35

Noes: Adams, Ahner, Arnott, Bankhead, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Hayne, Holland, Hurdle, Jore, Kasten, Keenan, Kottel, Lawson, McCann, McCulloch, McGee, Mills, Molnar, Mood, Orr, Pease, Peck, Prouse, Raney, Ream, Rehbein, Schmidt, Simon, Simpkins, Simpson, Sliter, Squires, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt.

Total 65

Voted Absentee: Knox, Sands, Ayes; Gillan, Whitehead, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 272 - Representative Rose moved the conference committee report to SB 272 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Clark, Ellis, Ewer, Harper, Heavy Runner, Orr, Tuss.

Total 7

Voted Absentee: Gillan, Knox, Sands, Whitehead, Ayes.

Excused: None.

Total 0

Absent or not voting: Simpkins.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved that the Committee of the Whole report be adopted. Report adopted. (86-8)

MESSAGES FROM THE SENATE

House joint resolution not concurred in and returned to the House:

4/18/97

HJR 32, introduced by Peck

Free conference committee report #1 not adopted:

4/19/97

HB 264, introduced by Molnar

Free conference committee report adopted:

4/21/97

HB 13, introduced by Wiseman

House amendments to Senate bill concurred in:

SB 207, introduced by Jabs

Free conference committee report #1 not adopted:

4/21/97

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HB 5, introduced by Bergsagel

Governor's amendments concurred in:

4/21/97

SB 308, introduced by Beck

MOTIONS

SB 374 - Representative Grinde moved the House dissolve the free conference committee on SB 374 and the Speaker be authorized to appoint a new free conference committee to meet with a like committee from the Senate to confer on Senate amendments to SB 374. Motion carried.

Mr. Speaker appointed the following members:

Representative McGee, Chairman
Representative Boharski
Representative Wyatt

HB 547 - Representative Rehbein moved the House reconsider its action on HB 547 taken on third reading the previous legislative day.

Representative S. Hanson moved for previous question. Motion carried.

Representative Gillan present at this time.

Motion to reconsider HB 547 carried. (56-43)

HB 547 - Representative Harper moved the House reconsider its action on HB 547, take it from third reading and place on second reading this legislative day.

Representative S. Hanson moved for previous question. Motion carried.

Motion to place HB 547 on second reading failed. (46-53)

HB 264 - Representative Grinde moved the House dissolve the free conference committee on HB 264 and the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 264. Motion carried.

Mr. Speaker appointed the following members:

Representative Curtiss, Chairman
Representative Molnar
Representative Harrington

Representative Grinde moved the House recess until 1:30 p.m. Motion carried.

House recessed at 12:17 p.m.

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House reconvened at 1:32 p.m. Mr. Speaker in the Chair.

Roll call. Quorum present.

MESSAGES FROM THE GOVERNOR

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena, Montana 59620

April 21, 1997

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Aklestad and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 365, **"AN ACT PROVIDING FOR THE REGULATION OF HEALTH INSURANCE CARRIERS WHO OFFER MANAGED CARE PLANS; PROVIDING FOR STATE NETWORK ADEQUACY AND QUALITY ASSURANCE STANDARDS AND A MEANS FOR ENFORCING THE STANDARDS; REGULATING CONTRACTS RELATING TO MANAGED CARE PLANS; PROVIDING REPORTING AND DISCLOSURE REQUIREMENTS; PROVIDING FOR CONFIDENTIALITY OF HEALTH CARE INFORMATION; PROVIDING DEFINITIONS; APPLYING PREMIUM INCREASE RESTRICTIONS TO HEALTH MAINTENANCE ORGANIZATIONS; REQUIRING HEALTH MAINTENANCE ORGANIZATIONS TO FILE FINANCIAL STATEMENTS; REQUIRING PROTECTION AGAINST INSOLVENCY BY HEALTH MAINTENANCE ORGANIZATIONS; AMENDING SECTIONS 33-22-1703, 33-22-1707, 33-31-102, 33-31-111, 33-31-211, AND 33-31-216, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE"** for the following reasons.

Senate Bill 365 establishes adequate health care networks and quality of managed care. It is an important and visionary bill that will benefit both consumers and managed health care providers in Montana. Applications for health maintenance organizations are pending, and the bill needs to be passed this session.

However, Senate Bill 365 will have a fiscal impact on both the Department of Public Health and Human Services, as well as the State Auditor's Office. These costs were not funded in House Bill 2, and thus it will be necessary to delay the effective dates of several of the sections of Senate Bill 365.

Senator Benedict, the bill's sponsor, has been informed of the need for these amendments.

Sincerely,

MARC RACICOT
Governor

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GOVERNOR'S AMENDMENTS
TO SENATE BILL 365

1. Page 15, line 3.
Strike: "1998"
Insert: "1999"
Following: "October 1, "

2. Page 15, line 4.
Strike: "1998"
Insert: "1999"
Following: "October 1, "

3. Page 15, line 6.
Strike: "1998"
Insert: "1999"
Following: "October 1, "

4. Page 21, line 24.
Strike: "1998"
Insert: "1999"
Following: "October 1, "

5. Page 22, line 13.
Strike: "1997"
Insert: "1999"
Following: "October 1, "

6. Page 22, line 14.
Strike: "April"
Insert: "October"
Following: "by"

7. Page 22, line 15.
Strike: "April"
Insert: "October"

8. Page 22, line 18.
Strike: "April 1, 1998"
Insert: "October 1, 1999"
Following: "after"

9. Page 22, line 22.
Strike: "April"
Insert: "October"
Following: "by"

10. Page 22, line 24.

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Strike: "shall"
Insert: "may"
Following: "department"

11. Page 30, line 24.
Insert: "12,"
Following: "Sections"

12. Page 30, line 26.
Insert: "13, 15, 18 through 21,"
Following: "Sections"
Strike: "26"
Insert: "29"

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 21, 1997

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Mercer and President Aklestad:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 534, **"AN ACT MAKING THE STATE LIABLE FOR INTEREST AND ATTORNEY FEES IN A JUDGMENT INVOLVING A CONTRACT; AMENDING SECTIONS 2-9-317 AND 18-1-404, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE,"** for the following reasons.

Section 18-1-404, MCA, provides that, for purposes of liability, the State of Montana is to be treated in contract cases in the same manner as private litigants, except with respect to punitive damages.

House Bill 534 would change the section 18-1-1404, MCA, to:

- make the State liable for payment of interest from the date on which the contract became due, rather than from when the sums are capable of calculation, as is the rule for other litigants;
- require the State to pay attorneys fees to a successful claimant in all contract actions. By contrast, other litigants must pay attorneys fees in contract cases only if expressly required by the contract itself.

The above-mentioned changes that would be brought about by House Bill 534 would result in treating the State of Montana more harshly than other litigants in contract actions.

I can understand from the standpoint of fairness that the rules for liability in contract cases should treat litigants equally. House Bill 534, however, does not do that. It would apply different, more onerous rules to one type of litigant -- state government.

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The fiscal impact of House Bill 534 is impossible to estimate. Some of the contracts to which the State is a party involve many millions of dollars. Were any of those contracts to result in litigation, the State, unlike a private litigant, could be exposed to significantly increased liability under the provisions of House Bill 534.

I am, therefore, proposing amendments that would specify that costs are awardable against the State in the same manner as against a private individual.

With respect to the immediate date of effect provided in House Bill 534, I propose that, in the interest of fairness, the State be given some time to modify and enter into contracts with knowledge of the changes in the law.

Sincerely,

MARC RACICOT
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 534

1. Title, lines 4 and 5
Following: "LIABLE" on page 4
Strike: "FOR INTEREST AND ATTORNEY FEES IN A JUDGMENT"
Insert: "IN THE SAME MANNER AS A PRIVATE INDIVIDUAL IN CASES"
2. Title, line 7
Following: "AN"
Strike: "IMMEDIATE"
3. Page 1, line 12
Following: "(1)"
Strike: "(A)"
4. Page 1, line 13
Following: "extent"
Insert: ",including costs,"
5. Page 1, lines 16 through 20
Strike: subsection (B) in its entirety
6. Page 1, lines 21 through 23
Following: "25-10-711." on line 21
Strike: remainder of line 21 through line 23 in their entirety
7. Page 1, line 30
Following: "18-1-404(1)"
Strike: "(b)"
8. Page 2, line 3
Following: "date."
Strike: "[This act] is effective on passage and approval"

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Insert: "This act is effective on July 1, 1997. It shall apply to causes of actions arising from contracts entered on or after the effective date"

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 21, 1997

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Mercer and President Aklestad:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 572, **"AN ACT PROVIDING FOR SEVERAL LIABILITY FOR MOST TORT ACTIONS; LIMITING JOINT AND SEVERAL LIABILITY TO CERTAIN SPECIFIED TORT ACTIONS; PROVIDING FOR THE EFFECT OF A RELEASE OR A COVENANT NOT TO SUE; AMENDING SECTIONS 25-9-411, 27-1-702, 27-1-703, 27-1-719, 28-1-301, AND 28-11-311, MCA; AND PROVIDING CONTINGENT EFFECTIVE DATES AND AN APPLICABILITY DATE"** for the following reasons.

House Bill 572 provides for a system of comparative fault in which persons are held responsible only to the extent to which they cause or contribute to the harm. It apportions liability among all tortfeasors according to their equitable share of fault.

While I support House Bill 572, it requires technical changes in order to provide that several liability and apportionment of liability apply to defendants acting in concert or in an agency relationship, while not affecting the doctrines of vicarious liability and respondeat superior. Without the amendments, a corporation sued for the acts of its employee may be excluded from the application of several liability and the apportionment of damages to other parties at fault. The amendments leave in place the idea that the principal cannot transfer liability to its agent.

Representative Anderson, the bill's sponsor, has been informed of and understands the need for these amendments.

Sincerely,

MARC RACICOT
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 572

1. Page 3, line 10.
Following: "from"
Strike: ":"

2. Page 3, lines 11 through 14.

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Strike: subsections (a) through (c) in their entirety

Insert: "an act or omission that violates a state environmental law relating to hazardous or deleterious substances."

Insert: "(8) Parties whose liability arises from acts or omissions in concert or from acts or omissions arising from an agency or employment relationship must be apportioned a single percentage of fault and must be treated as a single party for purposes of this section."

3. Page 3, line 15.

Strike: "(8)"

Insert: "(9)"

4. Page 5, line 28.

Following: "liability."

Strike: "(1)"

5. Page 5, lines 29 and 30.

Strike: "In" on line 29 through "each" on line 30

Insert: "Each"

6. Page 6, lines 7 through 9.

Strike: subsection (2) in its entirety

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 13, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Devaney, Jore, Kasten, Keenan, McCann, Molnar, Orr, Peck, Prouse, Rehbein, Story, Vick, Wagner, Wells.

Total 21

Excused: Knox, Sands, Whitehead.

Total 3

Absent or not voting: None.

Total 0

SB 272, conference committee report, adopted as follows:

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Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wells, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Adams, Anderson, Arnott, Bankhead, Bergsagel, Bookout, Carey, Curtiss, DeBruycker, Devaney, Feland, Hurdle, Jore, Kasten, Keenan, Masolo, Orr, Prouse, Rehbein, Smith, Tuss, Vick, Wagner, Walters, Wyatt.

Total 25

Excused: Knox, Sands, Whitehead.

Total 3

Absent or not voting: Boharski.

Total 1

HB 547, free conference committee report, adopted as follows:

Ayes: Anderson, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Kasten, Keenan, Krenzler, Masolo, McCann, McGee, Mills, Mood, Ohs, Pease, Quilici, Rehbein, Rose, Simon, Simpkins, Simpson, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 58

Noes: Adams, Ahner, Arnott, Barnhart, Beaudry, Boharski, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Gillan, Grady, Harper, J. Johnson, Jore, Kitzenberg, Kottel, Lawson, Marshall, McCulloch, Menahan, Molnar, Orr, Pavlovich, Peck, Prouse, Raney, Ream, Ryan, Sands, Schmidt, Sliter, Squires, Swanson, Tuss, Vick, Wagner, Whitehead, Wyatt.

Total 41

Voted Absentee: Sands, Whitehead, Noes.

Excused: Knox.

Total 1

Absent or not voting: None.

Total 0

SB 339, conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt,

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Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Cobb, DeBruycker, Denny, Jore, Kasten, Keenan, Orr, Peck, Prouse, Tuss, Wyatt.

Total 16

Excused: Knox, Sands, Whitehead.

Total 3

Absent or not voting: Sliter.

Total 1

SB 87, Governor's amendments, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Brainard, Kitzenberg.

Total 3

Excused: Knox, Sands, Whitehead.

Total 3

Absent or not voting: None.

Total 0

SB 308, Governor's amendments, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Arnott, Bergsagel, Carey, DeBruycker, Ellingson, Ewer, Hagener, Harper, Hurdle, Kasten, Keenan, Lawson, McCann, Orr, Peck, Tropila, Tuss.

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Total 17

Excused: Knox, Sands, Whitehead.

Total 3

Absent or not voting: None.

Total 0

Representative Grinde moved the House recess until 2:15 p.m. Motion carried.

House recessed at 1:37 p.m.

House reconvened at 2:22 p.m. Mr. Speaker in the Chair.

Roll call. Quorum present.

Representative Whitehead present at this time.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 5
Report No. 2, April 21, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 5 and recommend that House Bill 5 be amended as follows:

1. Title, line 6.

Strike: "CONTINGENTLY"

Following: "APPROPRIATING"

Insert: "A PORTION OF"

2. Title, line 8.

Strike: "ELIMINATING"

Insert: "REVISING"

3. Title, line 9.

Strike: "OR"

Insert: "AND"

4. Title, line 17.

Strike: "5-11-115,"

Following: "15-65-121,"

Insert: "AND"

Strike: "22-2-301, AND 22-2-304,"

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5. Page 7, line 12.

Strike: "21"

Insert: "8"

6. Page 8, line 29.

Strike: "AT LEAST 50%"

Insert: "100%"

7. Page 9, line 2.

Strike: "NO MORE THAN 50%"

Insert: "none"

8. Page 9, line 15.

Following: "(3)"

Insert: "(a)"

9. Page 9, line 22.

Strike: "\$16,050,000"

Insert: "\$4,050,000"

10. Page 9, line 27.

Following: line 26

Insert: "(b) It is the intent of the 55th legislature that no student building fees be increased to fund the \$4,050,000 in authority only projects approved for the university of Montana."

11. Page 10, line 25.

Strike: "CONTINGENT APPROPRIATION"

Insert: "Appropriation"

12. Page 10, line 26.

Strike: "IF"

Insert: "In addition to the"

13. Page 10, line 27.

Strike: "ARE NOT"

14. Page 10, line 28.

Strike: "THEN"

Insert: "\$3,912,500 from"

Strike: ", UP TO \$7,750,000."

15. Page 11, lines 2 and 3.

Following: " " on line 2

Strike: remainder of line 2 through " " on line 3

16. Page 11, line 16 through page 12, line 9.

Strike: section 10 in its entirety

Renumber: subsequent sections

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17. Page 12, line 29.

Strike: "The"

Insert: "Beginning July 1, 1997, and ending June 30, 1999, the"

Strike: "1.79%"

Insert: "0.87%"

18. Page 13, line 1.

Following: "."

Insert: "Beginning July 1, 1999, the amount of 0.63 % must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects."

19. Page 13, line 2.

Following: "~~projects-~~"

Insert: "Income from this trust fund must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects."

20. Page 13, line 3.

Following: line 2

Insert: "(7) Beginning July 1, 1997, and ending June 30, 2007, the amount of 1.3 % must be allocated to the long-range building program fund in the debt service fund type to fund the bonds issued for the purchase of the Virginia City and Nevada City property."

Renumber: subsequent subsection

21. Page 13, line 17.

Strike: "20"

Insert: "17"

22. Page 15, line 2.

Strike: "20"

Insert: "17"

23. Page 15, line 18 through page 16, line 6.

Strike: sections 14 and 15 in their entirety

Renumber: subsequent sections

24. Page 18, line 4.

Strike: "16"

Insert: "13"

Strike: "18"

Insert: "15"

Strike: "20"

Insert: "17"

25. Page 18, line 13.

Strike: "18"

Insert: "15"

26. Page 19, line 2.

Following: "(3)"

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Insert: "(a)"

Strike: "THE"

Insert: "Subject to subsection (3)(b), the"

27. Page 19, line 4.

Following: "THE"

Insert: "property and the"

28. Page 19, line 5.

Following: line 4

Insert: "(b)(i) Until the balance in the cultural and aesthetic trust reaches \$7,750,000, the commission shall deposit the portion of profits not used for administrative costs and restoration of the properties in the cultural and aesthetic trust.

(ii) Once the balance in the cultural and aesthetic trust reaches \$7,750,000, the commission shall deposit the portion of profits not used for administrative costs and restoration of the properties in the general fund.

(c) It is the intent of the 55th legislature that no general fund money be provided for the operation and maintenance of Virginia City and Nevada City beyond what has been appropriated by the 55th legislature."

29. Page 20, line 9.

Strike: "16"

Insert: "13"

30. Page 20, line 10.

Strike: "18"

Insert: "15"

Strike: "20"

Insert: "17"

31. Page 20, line 11.

Strike: "16"

Insert: "13"

Strike: "18"

Insert: "15"

32. Page 20, line 12.

Strike: "20"

Insert: "17"

33. Page 20, line 25 through page 21, line 19.

Strike: section 24 in its entirety

Renumber: subsequent sections

34. Page 21, line 26.

Strike: "(1)"

35. Page 21, line 29 through page 22, line 6.

Strike: subsections (2) and (3) in their entirety

36. Page 22, line 10.

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Strike: "SECTIONS"
Insert: "Section"
Insert: "THROUGH 12"
Strike: "ARE"
Insert: "is"

37. Page 22, line 11.
Strike: "12"
Insert: "11"

38. Page 22, line 12.
Strike: subsection (4) in its entirety

And this Free Conference Committee report be adopted.

For the House:

Vick, Chairman
Holland
Peck

For the Senate:

Keating, Chairman
Taylor

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 5 - Representative Grinde moved consideration of HB 5 be placed at the bottom of the second reading board. Motion carried.

HB 534 - Representative Wells moved Governor's amendments to HB 534 be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Raney, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 69

Noes: Anderson, Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, J. Johnson, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Ream, Ryan, Schmidt, Squires, Swanson, Tuss, Whitehead, Wyatt.
Total 29

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Excused: Knox, Sands.
Total 2

Absent or not voting: None.
Total 0

HB 572 - Representative Anderson moved Governor's amendments to HB 572 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 89

Noes: Curtiss, Jore, Orr, Wagner.
Total 4

Excused: Knox, Sands.
Total 2

Absent or not voting: Adams, Barnhart, Boharski, Menahan, Wyatt.
Total 5

SB 365 - Representative Grimes moved consideration of SB 365 be placed at the bottom of the second reading board. Motion carried.

HB 5 - Representative Vick moved the free conference committee report to HB 5 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bookout, Brainard, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Kitzenberg, Knox, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Quilici, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 52

Noes: Adams, Arnott, Barnhart, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kottel, Krenzler, Lawson, McCann, McCulloch, Menahan, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Rehbein, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Wagner, Whitehead, Wyatt.
Total 48

Voted Absentee: Knox, Aye; Sands, No.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 365 - Representative Grimes moved Governor's amendments to SB 365 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Zook.

Total 79

Noes: Adams, Arnott, Cobb, DeBruycker, Jore, Kasten, Orr, Prouse, Raney, Wagner, Wyatt.

Total 11

Excused: Knox, Sands.

Total 2

Absent or not voting: Beaudry, Boharski, Keenan, Molnar, Rehbein, Schmidt, Vick, Mr. Speaker.

Total 8

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved that the Committee of the Whole report be adopted. Report adopted. (74-23)

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 252
Report No. 2, April 21, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 252 and recommend that House Bill 252 be amended as follows:

1. Title, line 7.

Following: "~~REQUIREMENTS~~;"

Insert: "REPEALING CERTAIN CONTRACTOR REGISTRATION REQUIREMENTS;"

2. Title, line 9.

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Following: "ENFORCEMENT,"

Insert: "AND"

3. Title, line 10.

Following: "PROCEDURES"

Strike: ", AND PENALTY PROVISIONS"

Following: "REGISTRATION;"

Insert: "PROVIDING FOR A PENALTY OF UP TO \$500 FOR CERTAIN VIOLATIONS OF THE CONSTRUCTION CONTRACTOR REGISTRATION LAWS; REQUIRING THAT ANY PENALTY COLLECTED BE DEPOSITED IN THE UNINSURED EMPLOYERS' FUND;"

4. Title, line 11.

Following: "INITIAL"

Insert: "2-YEAR"

Following: "MAXIMUM OF"

Strike: "\$50"

Insert: "\$70"

5. Title, line 12.

Following: "MAXIMUM OF"

Strike: "\$50"

Insert: "\$70"

6. Title, line 14.

Following: "ROADS"

Insert: ", FOR LICENSED WATER WELL CONTRACTORS, FOR ENROLLED TRIBAL MEMBERS OR TRIBALLY-OWNED BUSINESSES, FOR CERTAIN PROPERTY OWNERS, FOR PROJECTS COSTING LESS THAN \$2,500"

7. Title, line 17.

Following: "RENEWAL;"

Insert: "PROVIDING AN APPROPRIATION;"

8. Page 7, line 27.

Strike: "3"

Insert: "2"

9. Page 8, line 18 and line 19.

Strike: "\$50"

Insert: "\$70"

10. Page 9, lines 15 through 18.

Following: "person" on line 15

Strike: ", including" through the "registered"

Insert: "who, pursuant to an oral or written contract, engages a"

Following: "contractor" on line 16

Insert: "who is registered under this chapter on the date of the contract"

Following: "employer"

Insert: "for workers' compensation coverage"

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Following: "39-71-405"

Strike: "for workers' compensation and"

Insert: ", for"

Following: "coverage" on line 17

Insert: ", "

Following: "for" on line 17

Strike: remainder of line 17 through second "contractor" on line 18

Insert: "(1) the registered construction contractor;

(2) the employees of the registered construction contractor; or

(3) any subsequent subcontractor or the employees of any subsequent subcontractor engaged to fulfill a part of or all of the obligations of the oral or written contract of the registered construction contractor listed in subsection (1)"

11. Page 13, line 10.

Following: "infraction"

Insert: "-- penalty -- disposition"

Following: "~~(1)~~"

Insert: "(1)"

12. Page 13, line 12.

Strike: "~~(1)~~"

Insert: "(a)"

Renumber: subsequent subsections

13. Page 13.

Following: line 22

Insert: "(2)(a) A determination by the department of a violation of this section subjects the person who commits the violation to a penalty of up to \$500, as determined by the department. A person who has been determined to have violated this section may request that a hearing be held in accordance with the Montana Administrative Procedure Act. The hearing may be held by telephone or video conference. An appeal of the hearing decision must be made in the same manner as prescribed in 39-51-2403 and 39-51-2404.

(b) A penalty under this section does not apply to a violation that is determined to be an inadvertent error.

(c) A penalty collected under this section must be deposited in the uninsured employers' fund established in 39-71-502."

14. Page 19.

Following: line 22

Insert: "NEW SECTION. Section 15. Appropriation. There is appropriated from the state special revenue account to the department of labor and industry up to \$315,000 for the biennium ending June 30, 1999, for the purpose of administering the construction contractor registration program."

Renumber: subsequent section

And this Free Conference Committee report be adopted.

For the House:

Simon, Chairman
Cocchiarella

For the Senate:

Thomas, Chairman
Holden
Bowman Shea

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Conference Committee
on House Bill 264
Report No. 1, April 21, 1997

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 264, met April 21, 1997, and considered Senate Committee on Judiciary amendments to the third reading copy, dated March 27, 1997, and recommend the same be adopted.

And this Conference Committee report be adopted.

For the House:

Curtiss, Chairman
Molnar
Harrington

For the Senate:

Crippen, Chairman
Holden
Halligan

MOTIONS

SJR 2 - Representative Ream moved SJR 2 be taken from the table in the Committee on Appropriations, printed, and placed on second reading this legislative day. Motion failed. (36-61)

Representative Grinde moved the House recess until 3:30 p.m. Motion carried.

House recessed at 2:47 p.m.

House reconvened at 3:30 p.m. Mr. Speaker in the Chair.

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 21, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 44 sponsored by Representative Devaney on April 21, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 21, 1997

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Dear Representative Mercer:

Please be informed that I have signed House Bill 65 sponsored by Representative Menahan on April 21, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 21, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 66 sponsored by Representative Cocchiarella on April 21, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 21, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 72 sponsored by Representative Quilici et al. on April 21, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 21, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 77 sponsored by Representative Simpkins on April 21, 1997.

Sincerely,

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MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 21, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 93 sponsored by Representative Hagener et al. on April 21, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 21, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 125 sponsored by Representative Grady on April 21, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 21, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 190 sponsored by Representative Anderson et al. on April 21, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol

April 21, 1997

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Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 320 sponsored by Representative Anderson et al. on April 21, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 21, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 431 sponsored by Representative Quilici et al. on April 21, 1997.

Sincerely,

MARC RACICOT
Governor

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 252 - Representative Simon moved the free conference committee report to HB 252 be adopted.

Representative Pavlovich moved for cloture. Motion carried.

Motion to adopt report on HB 252 carried as follows:

Ayes: Anderson, Barnhart, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Soft, Squires, Story, Swanson, Tash, Tropila, Tuss, Whitehead, Wiseman, Wyatt.
Total 54

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Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Feland, Grady, Grinde, Hayne, Holland, Jore, Kasten, Keenan, Lawson, McGee, Molnar, Ohs, Orr, Prouse, Rehbein, Simpkins, Simpson, Sliter, Smith, Stovall, Taylor, Trexler, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.

Total 46

Voted Absentee: Knox, Sands, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Molnar moved for a Rules Committee meeting to determine whether the amendments to HB 252 changed the title of the bill.

Chairman Sliter ruled the motion out of order.

Representative Molnar challenged the ruling to the Rules Committee.

Representative Grinde asked the House to stand at ease during the Rules Committee meeting.

Representative Grinde ruled that per Greg Petesch, Legal Counsel, the amendments to HB 252 do fit the title and scope of the bill.

Representative Molnar challenged the Rules Committee decision to the House Chambers. Motion to overrule the decision failed. (34-63)

HB 264 - Representative Curtiss moved the conference committee report to HB 264 be adopted. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Barnhart, Cocchiarella, Galvin, Hurdle, Tuss, Whitehead, Wyatt.

Total 7

Excused: Knox, Sands.

Total 2

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Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Sliter moved that the Committee of the Whole report be adopted. Report adopted. (75-22)

Representative Grinde moved the House recess until 5:00 p.m. Motion carried.

House recessed at 4:50 p.m.

House reconvened at 5:05 p.m. Mr. Speaker in the Chair.

Roll call. Quorum present.

MESSAGES FROM THE SENATE

Governor's amendments not concurred in:

4/21/97

HB 534, introduced by Wells

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 365, Governor's amendments, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Adams, Arnott, Boharski, Brainard, Cobb, DeBruycker, Jore, Mood, Orr, Prouse, Vick, Wagner.

Total 12

Voted Absentee: Sands, Aye.

Excused: Knox.

Total 1

Absent or not voting: None.

Total 0

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HB 572, Governor's amendments, concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, DeBruycker, Denny, Devaney, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 73

Noes: Barnhart, Carey, Cocchiarella, Curtiss, Dowell, Ellingson, Ewer, Galvin, Harper, Harrington, Heavy Runner, Hurdle, Kottel, McCulloch, Menahan, Pease, Raney, Ream, Ryan, Sands, Squires, Tropila, Tuss, Wagner, Whitehead, Wyatt.

Total 26

Voted Absentee: Sands, No.

Excused: Knox.

Total 1

Absent or not voting: None.

Total 0

HB 264, conference committee report, adopted as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 82

Noes: Arnott, Cobb, Cocchiarella, Ewer, Galvin, Harper, Heavy Runner, Hurdle, J. Johnson, Masolo, Menahan, Orr, Pease, Swanson, Tuss, Whitehead, Wyatt.

Total 17

Voted Absentee: Sands, Aye.

Excused: Knox.

Total 1

Absent or not voting: None.

Total 0

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HB 252, free conference committee report, adopted as follows:

Ayes: Anderson, Barnhart, Bergsagel, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Soft, Squires, Story, Swanson, Tash, Tropila, Tuss, Whitehead, Wyatt, Zook.
Total 55

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Feland, Grimes, Grinde, Hayne, Holland, Jore, Kasten, Keenan, Lawson, McGee, Mills, Molnar, Ohs, Orr, Prouse, Rehbein, Simpson, Sliter, Smith, Stovall, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Mr. Speaker.
Total 45

Voted Absentee: Knox, Sands, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 14, free conference committee report, not adopted (due to 2/3 vote requirement) as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Denny, Devaney, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Quilici, Rose, Ryan, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Wiseman, Zook, Mr. Speaker.
Total 55

Noes: Adams, Arnott, Barnhart, Bergman, Boharski, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Galvin, Harper, Heavy Runner, Hurdle, J. Johnson, Jore, Kasten, Kottel, McCann, McCulloch, Molnar, Orr, Pease, Peck, Prouse, Raney, Ream, Rehbein, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt.
Total 44

Voted Absentee: Knox, Aye; Sands, No.

Excused: None.
Total 0

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Absent or not voting: Simon.

Total 1

HB 5, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bohlinger, Bookout, Brainard, Curtiss, Denny, Devaney, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Marshall, Masolo, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Rose, Ryan, Schmidt, Simon, Simpkins, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 59

Noes: Adams, Arnott, Bergman, Bitney, Boharski, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Harper, Jore, Kasten, Keenan, Kottel, Krenzler, Lawson, McCann, McCulloch, Molnar, Orr, Peck, Prouse, Raney, Ream, Rehbein, Sands, Simpson, Sliter, Squires, Swanson, Tropila, Tuss, Vick, Wagner, Whitehead, Wyatt.

Total 41

Voted Absentee: Knox, Aye; Sands, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 9 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Adams, Arnott, Bergman, Bitney, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Grinde, Hayne, Jore, Kasten, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Sliter, Story, Vick, Wagner, Walters, Wells.

Total 26

Voted Absentee: Sands, Aye.

Excused: Knox.

Total 1

Absent or not voting: None.

Total 0

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MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **SB 367**. Motion carried.

Mr. Speaker appointed the following members:

Representative Grinde, Chairman
Representative Denny
Representative Harper

HB 252 - Representative Molnar moved that Senators Miller, Estrada, Gage and Baer be removed as sponsors from HB 252. Motion carried.

ANNOUNCEMENTS

Representative Grinde moved the House adjourn until 8:00 a.m., Tuesday, April 22, 1997. Motion carried.

House adjourned at 5:29 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
April 22, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Arnott. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Knox, Sands, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eighty-third and eighty-fourth legislative days, find the same to be correct.

Hayne, Chairman

COMMUNICATIONS AND PETITIONS

CERTIFICATE

House Bill No. 268, introduced by Representative Kottel, "CHEMICAL TREATMENT OF CERTAIN SEX OFFENDERS".

This bill having been returned by the Governor with his objections thereto and, after reconsideration, having passed both houses by the constitutional majority has become a law this 19 day of April, 1997. The Governor's veto was overridden by the following votes:

HOUSE

Yeas - 82
Nays - 14

SENATE

Yeas - 42
Nays - 7

John A. Mercer, Speaker

Attested by: Marilyn Miller, Chief Clerk

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/22/97
Correctly enrolled: HB 10, HB 17, HB 83, HB 99, HB 122, HB 346, HB 369, HB 517, HB 9, HB 388, HB 547.
Examined by the sponsor and found to be correct: HB 9, HB 10, HB 17, HB 83, HB 99, HB 122, HB 346, HB 369, HB 388, HB 517, HB 547.
Signed by the Speaker at 6:37 p.m., April 21, 1997: HB 616, HB 389, HB 584, HB 188, HB 345, HB 102, HB 398, HB 135.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill 374
Report No. 2, April 22, 1997

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Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 374, met and considered Senate Bill 374 in its entirety, and the Free Conference Committee Report dated April 18, 1997.

We recommend that Senate Bill 374 be amended as follows:

1. Title, line 7.

Strike: "AND"

Insert: ", "

2. Title, line 9.

Following: "HIRES"

Insert: ", AND A DIRECTORY OF NEW HIRES"

3. Title, line 11.

Following: "NUMBERS;"

Insert: "AVAILABILITY OF SOCIAL SECURITY NUMBERS,"

4. Title, lines 19 and 20.

Strike: "ESTABLISHING" on line 19 through "COMMITTEE;" on line 20

5. Title, line 21.

Following: "40-4-105;"

Insert: "37-1-307, 40-1-107, 40-4-105,"

6. Title, line 29.

Following: "50-15-403;"

Insert: "50-15-403,"

Following: "61-5-107;"

Insert: "61-5-107,"

7. Title, line 30.

Following: "DATES"

Strike: "AND"

Insert: ", "

Strike: "A"

8. Title, page 2, line 1.

Strike: "DATE"

Insert: "DATES, AND A TERMINATION DATE"

9. Page 2, line 6.

Strike: "13"

Insert: "15"

10. Page 2, line 17.

Strike: "9"

Insert: "11"

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11. Page 2.

Following: line 20

Insert: "[(1) "Date of hire" means the first day that an employee starts work for which the employee is owed compensation by the payor of income.]"

Renumber: subsequent subsections

12. Page 2.

Following: line 29

Insert: "[(3) (a) "Employee" means a person 18 years of age or older who performs labor in this state for an employer in this state for compensation and for whom the employer withholds federal or state tax liabilities from the employee's compensation.

(b) The term does not include an employee of a federal or state agency performing intelligence or counterintelligence functions if the head of the agency has determined that reporting pursuant to [section 9] with respect to the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.]"

Renumber: subsequent subsections

13. Page 3.

Following: line 16

Insert: "[(8) "Labor organization" means a labor union, union local, union affiliate, or union hiring hall.]"

Renumber: subsequent subsections

14. Page 3.

Following: line 29

Insert: "[(12) "Rehire" means the first day, following a termination of employment, that an employee begins to again perform work or provide services for a payor. Termination of employment does not include temporary separations from employment, such as unpaid medical leave, an unpaid leave of absence, or a temporary or seasonal layoff.]"

Renumber: subsequent subsections

15. Page 5.

Following: line 14

Insert: "[(8) An employer or labor organization shall report a newly hired or rehired employee. Information reported by an employer must be electronically compared to the information data base to align an obligor who owes a duty of support with a source of income. When a match is revealed in a IV-D case, a notice will, if appropriate to the case, be promptly transmitted to the employer directing the employer to commence withholding for the payment of the obligor's support obligation.]"

Renumber: subsequent subsections

16. Page 6, line 12 and line 19.

Strike: "13"

Insert: "15"

17. Page 6, line 29.

Following: "other"

Insert: "[social security number, other]"

18. Page 7, line 1.

Following: "~~if any,~~"

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Insert: "[social security number, if any,]"

19. Page 12, line 28.

Strike: "9"

Insert: "11"

20. Page 14, line 6.

Insert: "NEW SECTION. Section 9. Directory of new hires -- employer reporting requirements.

(1) (a) An employer doing business in the state shall report to the department the hiring or rehiring of an employee to whom the employer anticipates paying income.

(b) An employer shall report the hiring or rehiring of an employee by submitting a copy of the employee's completed W-4 form or, at the option of the employer, its informational equivalent or any other format agreed to by the department. The report must include the employee's name, date of hire, social security number, and residential and mailing addresses, and the name, address, and federal identification number of the employer. The report may include the employee's date of birth.

(c) If an employer provides health or medical insurance coverage for an employee and the coverage may be extended to the employee's children, the employer may, along with the date the employee becomes eligible for coverage, provide that information as part of the new hire report under subsection (1)(b).

(2) Transmission of the reports must be by first-class mail, electronic or magnetic transmission, including facsimile transmission, or any other format agreed to by the department. Written reports must be submitted within 20 days of the employee's date of hire or rehire. Reports transmitted electronically or magnetically may be made by two transmissions monthly, if necessary, not less than 12 or more than 16 days apart.

(3) An employer who has employees in two or more states and who transmits new hire reports electronically or magnetically may comply with this section by designating one of the states in which there is an employee and transmitting the report of new hires to that state. A multistate employer who elects to report to only one state shall give written notice of the state to which the employer will transmit new reports. As required by 42 U.S.C. 653a(b)(1)(B), this notice must be transmitted to the secretary of the federal department of health and human services.

(4) An employer providing reports is not liable to the employee for the disclosure or any subsequent use by the processing center of the information."

Renumber: subsequent sections

21. Page 14, line 10.

Following: "department"

Insert: "[and the employee W-4 forms or similar forms transmitted to the department]"

22. Page 17, line 8.

Insert: "NEW SECTION. Section 123. Automated access to financial records -- confidentiality -- no liability -- definitions.

(1) For the purposes of this section, unless the context otherwise indicates, the following definitions apply:

(a) "Account" means a savings, checking, deposit and withdrawal, demand deposit, money market, profit and loss, or time deposit account opened by a depositor in a financial institution.

(b) "Depositor" means a person, share account holder, sole proprietor, or joint owner of an account in a financial institution in this state.

(c) "Financial institution" means:

(i) a depository institution, as defined in section 3(c) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(c);

(ii) an institution-affiliated party, as defined in the Federal Deposit Insurance Act, 12 U.S.C. 1813(u);

(iii) any state credit union, as defined in 32-3-102, or federal credit union, as defined in section 101 of the

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Federal Credit Union Act, 12 U.S.C. 1752, including an institution-affiliated party of such a credit union, as defined in section 206(r) of the act, 12 U.S.C. 1786(r); and

(iv) any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in the state.

(d) "Obligor" means a person who owes a debt for child, spousal, or medical support as determined by the department or as specified by order of a tribunal of competent jurisdiction, the amount of which exceeds \$500 or a total of 3 months debt, whichever is less.

(2) (a) Upon written request from the department, a financial institution shall run a data match of the department's list of obligors with the financial institution's depositors and provide the information in a computer or other reasonable format accessible by the financial institution. The department may not request the information referred to in this subsection from a financial institution more than once in each calendar quarter.

(b) The information on an obligor found to be a depositor at a financial institution must include the obligor's full name, social security number or other taxpayer identification number, and account number. If normally kept by the financial institution, the information must also include the mailing address, employment address, and any other information that identifies the obligor

(c) The financial institution shall provide the requested information within 30 days of the request from the department.

(3) The department shall run a computer match of all obligors with the information from the financial institution required in subsection (2). If there is a match between an obligor and a depositor, the financial institution shall, upon request of the department, provide additional information within 30 days, including but not limited to:

(a) verification of the obligor's full name and social security number;

(b) the financial institution's account number;

(c) the nature of the account or accounts held by the obligor;

(d) the funds available in the account less any preexisting encumbrance held by the financial institution; and

(e) any taxes, penalties, interest, or other costs to be legally imposed on the account if the account is accessed prior to a maturity date.

(4) The amounts available in an obligor's account do not include amounts available pursuant to overdraft coverage offered by the financial institution.

(5) The financial institution shall honor a subsequent appropriate lien from the department sent to the financial institution.

(6) (a) A financial institution receiving a data request, data match, or lien from the department may not provide notice to an obligor identified in the information submitted to the department. Failure to provide notice does not constitute a violation of the financial institution's duty of good faith to its customers.

(b) A notice given by a financial institution to an obligor identified by the department subjects the financial institution to the contempt authority of the department under 40-5-226.

(7) The department shall pay a financial institution a reasonable fee for providing the information required in subsection (2), not to exceed the actual documented costs incurred by the financial institution.

(8) Information requested by the department and provided by a financial institution under this section is confidential and may be used only for IV-D purposes. Use of information for any other purpose without the authorization of the department subjects the user to a civil penalty of not more than \$500 per name per use.

(9) A financial institution is not liable to a person for:

(a) a disclosure of information to the department under this section;

(b) encumbering or surrendering assets held by the financial institution in response to a notice of lien or levy issued by the department; or

(c) any other action under this section taken in good faith to comply with the requirements of this section

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as long as the action is reasonable."

Renumber: subsequent sections

24. Page 18, line 20.

Following: "funds"

Insert: "as directed in the income-withholding order"

25. Page 18, line 21.

Strike: "as directed in the income-withholding order"

26. Page 20, line 7.

Strike: "11"

Insert: "13"

27. Page 22, line 6.

Strike: "12"

Insert: "14"

28. Page 23, line 7.

Strike: "13"

Insert: "15"

29. Page 26, line 28.

Insert: "Section 22. Section 37-1-307, MCA, is amended to read:

"37-1-307. Board authority. (1) A board may:

(a) hold hearings as provided in this part;

(b) issue subpoenas and administer oaths in connection with investigations and disciplinary proceedings under this part. Subpoenas must be relevant to the complaint, issued by a majority vote of board members not serving on the screening panel described in subsection (1)(e), and signed by the presiding officer of the board. Subpoenas may be enforced as provided in 2-4-104.

(c) authorize depositions and other discovery procedures under the Montana Rules of Civil Procedure in connection with an investigation, hearing, or proceeding held under this part;

(d) compel attendance of witnesses and the production of documents. Subpoenas may be enforced as provided in 2-4-104.

(e) establish a screening panel that determines whether there is reasonable cause to believe that a licensee has violated a statute or rule justifying disciplinary proceedings. The assigned board members may not subsequently participate in a hearing of the case. The final decision on the case must be made by a majority of the board members who did not serve on the screening panel for the case.

(f) grant or deny a license and, upon a finding of unprofessional conduct by an applicant or license holder, impose a sanction provided by this chapter.

(2) Each board is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose of obtaining confidential criminal justice information regarding its licensees and license applicants.

(3) Each board shall require a license applicant to provide the applicant's social security number as a part of the application. Each board shall keep the social security number from this source confidential, except that a board may provide the number to the department of public health and human services for use in administering Title IV-D of the Social Security Act."

Section 23. Section 40-1-107, MCA, is amended to read:

"40-1-107. Form of application, license, marriage certificate, and consent. (1) The director of the

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department of public health and human services shall prescribe the form for an application for a marriage license, which must include the following information:

- (a) name, sex, address, social security number, and date and place of birth of each party to the proposed marriage;
 - (b) if either party was previously married, the party's name, and the date, place, and court in which the marriage was dissolved or declared invalid or the date and place of death of the former spouse;
 - (c) name and address of the parents or guardian of each party;
 - (d) whether the parties are related to each other and, if so, their relationship; and
 - (e) the name and date of birth of any child of whom both parties are parents born prior to the making of the application, unless their parental rights and the parent and child relationship with respect to the child have been terminated.
- (2) The director of the department of public health and human services shall prescribe the forms for the marriage license, the marriage certificate, and the consent to marriage."
- (3) The license, certificate, or consent may not contain the social security number, and the department shall keep the number from this source confidential, except that the department may use the number in administering Title IV-D of the Social Security Act.

Section 24. Section 40-4-105, MCA, is amended to read:

"40-4-105. Procedure -- commencement -- pleadings -- abolition of existing defenses. (1) The verified petition in a proceeding for dissolution of marriage or legal separation ~~shall~~ must allege that the marriage is irretrievably broken and ~~shall~~ must set forth:

- (a) the age, occupation, and residence of each party and ~~his~~ the party's length of residence in this state;
 - (b) the date of the marriage and the place at which it was registered;
 - (c) that the jurisdictional requirements of 40-4-104 exist and that the marriage is irretrievably broken in that either:
 - (i) the parties have lived separate and apart for a period of more than 180 days ~~next~~ preceding the commencement of this proceeding; or
 - (ii) there is serious marital discord which adversely affects the attitude of one or both of the parties towards the marriage, and there is no reasonable prospect of reconciliation;
 - (d) the names, ages, and addresses of all living children of the marriage and whether the wife is pregnant;
 - (e) any arrangements as to support, custody, and visitation of the children and maintenance of a spouse; and
 - (f) the relief sought.
- (2) Either or both parties to the marriage may initiate the proceeding.
- (3) If a proceeding is commenced by one of the parties, the other party must be served in the manner provided by the Montana Rules of Civil Procedure and may within 20 days after the date of service file a verified response. ~~No~~ A decree may not be entered until 20 days after the date of service.
- (4) Previously existing defenses to divorce and legal separation, including but not limited to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.
- (5) The court may join additional parties proper for the exercise of its authority to implement this chapter.
- (6) The social security number, if known, of a person subject to a decree of dissolution or a support order must be recorded in the records relating to the matter. The recordkeeper shall keep the social security number from this source confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act."

Renumber: subsequent sections

30. Page 28, line 2.

Strike: "9"

Insert: "11"

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31. Page 29, line 3.

Following: "~~number,~~"

Insert: "[social security number,]"

32. Page 47.

Following: line 19

Insert: "(d) social security number;"

Renumber: subsequent subsections

33. Page 56, line 3.

Strike: "9"

Insert: "11"

34. Page 57.

Following: line 5

Insert: "[(ii) social security number;]"

Renumber: subsequent subsections

35. Page 58, line 19.

Following: "~~or~~"

Insert: "[; or]"

36. Page 58, line 21.

Following: "~~department~~"

Insert: "[(h) a financial institution uses information provided by the department pursuant to [section 11] for any other purpose without the authorization of the department]"

37. Page 74, line 22 and line 24.

Strike: "RECEIPT"

Insert: "the date"

38. Page 74, line 26.

Following: "EXISTED."

Insert: "This notice is different from the notice required by 40-5-305."

39. Page 75, line 2.

Following: "~~delinquent~~"

Insert: "who has determined that an obligor is delinquent"

40. Page 77, line 16.

Following: line 15

Insert: "required under 40-5-305"

41. Page 77, line 25.

Following: "place"

Insert: "or continue"

42. Page 78, line 3.

Strike: "or"

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Insert: ", "

Following: "order"

Insert: ", or may authorize issuance of an income-deduction order"

43. Page 78, lines 7 and 8.

Strike: "THAT" on line 7 through "OR THAT" on line 8

44. Page 81, line 30 through line 2 of page 82

Strike: "A" on page 81, line 30 through "WITHHOLDING" on line 2 of page 82

Insert: "a delinquency occurs"

45. Page 84, lines 16 and 19.

Strike: "RECEIPT"

Insert: "the date"

46. Page 84, line 21.

Following: "EXISTED."

Insert: "This notice is different from the notice required by subsection (2)(b)."

47. Page 87, line 19.

Strike: "or"

Insert: ", "

Following: "withhold"

Insert: "income, or may issue an order to withhold income"

48. Page 87, lines 28 and 29.

Strike: "OR" on line 28 through "EXISTED" on line 29

49. Page 88, line 21.

Strike: "CONTINUE TO"

50. Page 89.

Following: line 29

Insert: "(b) social security number;"

Renumber: subsequent subsections

51. Page 92, line 1.

Strike: "AND"

Insert: ", "

52. Page 92, line 2.

Following: "~~obligor~~"

Insert: ", and, if known, the social security number of the obligor"

53. Page 103, line 23.

Strike: "9"

Insert: "11"

54. Page 104.

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Following: line 18

Insert: "[(ii) social security number;]"

Renumber: subsequent subsections

55. Page 105, line 13.

Insert: "[(11) The social security number of a person subject to a paternity determination under this part must be recorded in the records relating to the matter. The recordkeeper shall keep the social security number from this source confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]"

56. Page 109, line 11.

Insert: "Section 93. Section 50-15-403, MCA, is amended to read:

"50-15-403. Preparation and filing of death or fetal death certificate. (1) A person in charge of disposition of a dead body or fetus that weighs at least 350 grams at death or, if the weight is unknown, has reached 20 completed weeks of gestation at death shall obtain personal data on the deceased, including the deceased's social security number, if any, or, in the case of a fetal death, on the parents that is required by the department from persons best qualified to supply the data and enter it on the death or fetal death certificate.

(2) The person in charge of disposition of the dead body or fetus shall present the death certificate to the certifying physician or the coroner having jurisdiction for medical certification of the cause of death. The person in charge of disposition shall obtain the completed certification of the cause of death from the physician or coroner and shall, within the time that the department may by rule prescribe, file the death or fetal death certificate with the local registrar in the registration area where the death occurred."

Renumber: subsequent sections

57. Page 110, line 30.

Insert: "Section 95. Section 61-5-107, MCA, is amended to read:

"61-5-107. Application for license, instruction permit, or motorcycle endorsement. (1) Each application for an instruction permit, driver's license, or motorcycle endorsement must be made upon a form furnished by the department. A motorcycle endorsement is required for the operation of a quadricycle. Each application must be accompanied by the proper fee, and payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application. A voter registration form for mail registration as prescribed by the secretary of state must be attached to each driver's license application. If the applicant wishes to register to vote, the department shall accept the registration and forward the form to the election administrator.

(2) Each application must state the full name, date of birth, sex, ~~and~~ residence address of the applicant, and if the application is for a commercial vehicle operator's license, social security number, must briefly describe the applicant, and must state whether:

(a) the applicant has previously been licensed as a driver or commercial vehicle operator, and, if so, when and by what state or country;

(b) any commercial operator license has ever been suspended or revoked; or

(c) an application has ever been refused, and, if so, the date of and reason for suspension, revocation, or refusal.

(3) The department shall keep the applicant's social security number from this source confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.

~~(3)~~(4) When application is received from an applicant previously licensed by another jurisdiction, the department shall request a copy of the applicant's driving record from the previous licensing jurisdiction. The driving record may be transmitted manually or by electronic medium. When received, the driving

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records become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance."

Renumber: subsequent sections

58. Page 116, line 18 through line 30 of page 117

Strike: sections 92 and 93 in their entirety

Renumber: subsequent sections

59. Page 118, line 1 and line 3.

Strike: "9"

Insert: "11"

60. Page 118, line 4 and line 5.

Strike: "10"

Insert: "12"

61. Page 118, line 6 and line 7.

Strike: "11"

Insert: "13"

62. Page 118, line 8 and line 9.

Strike: "12"

Insert: "14"

63. Page 118, line 10 and line 11.

Strike: "13"

Insert: "15"

64. Page 118, line 13.

Strike: "(1)"

65. Page 118, lines 24 through 28.

Strike: subsection (2) in its entirety

66. Page 119, line 16.

Following: "~~10,~~"

Insert: "10,"

Strike: "11"

Insert: "13"

67. Page 119, line 19.

Following: "TERMINATION"

Insert: "-- request for federal exemptions"

Strike: "[THIS ACT] TERMINATES"

Insert: "(1) [Sections 9, 11, 22 through 24, 93, and 95] and the bracketed language in [sections 1 through 3, 10, 25, 45, and 89] terminate"

68. Page 119, line 21.

Following: "PROGRAM"

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Strike: "OR"

Insert: "and"

Strike: "ONE OR MORE OF"

69. Page 119, line 22.

Strike: "WELFARE PROGRAMS"

Insert: "program relating to temporary assistance to needy families"

70. Page 119, line 24.

Insert: "(2) [Sections 9, 11, 22 through 24, 93, and 95] and the bracketed language in [sections 1 through 3, 10, 25, 45, and 89] terminate on the date that a final decision is rendered in federal court invalidating the child support provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(3) If the director of the department of public health

and human services certifies to the governor and the secretary of state in writing that one of the following provisions is no longer required by federal law because of repeal of or amendment to federal statutes that require that provision, the provision terminates on the date the certification takes effect:

(a) [section 9];

(b) [section 11];

(c) [sections 22 through 24];

(d) [section 93];

(e) [section 95];

(f) the bracketed provisions in [sections 1 through 3, 10, 25, 45, and 89].

(4) If the director of the department of public health

and human services certifies to the governor and the secretary of state in writing that the federal government has granted this state an exemption from one of the following provisions, the provision terminates on the date the exemption takes effect:

(a) [section 9];

(b) [section 11];

(c) [sections 22 through 24];

(d) [section 93];

(e) [section 95];

(f) the bracketed provisions in [sections 1 through 3, 10, 25, 45, and 89].

(5)(a) The department of public health and human services

shall do everything reasonably within its power to obtain, as soon as possible, federal government exemptions from the provisions listed in subsection (4).

(b) Because section 395(c) of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) allows a grace period for states to amend their constitutions in order to comply with PRWORA and because the Montana legislature believes that the section of PRWORA prohibiting a jury trial in a paternity proceeding violates Article II, section 26, of the Montana Constitution and is therefore rejected, the department of public health and human services shall seek a federal government exemption from the jury trial prohibition in PRWORA as the first exemption it seeks under subsection (5)(a).

(6) [Sections 9, 11, 22 through 24, 93, and 95] and the bracketed language in [sections 1 through 3, 10, 25, 45, and 89] terminate July 1, 1999.

(7) If the bracketed language in [section 1 through 3, 10, 25, 45, and 89] terminates, the code commissioner is instructed to renumber subsections, adjust internal references, and correct grammar and arrangement."

And that this Free Conference Committee report be adopted.

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For the Senate:

Hargrove, Chairman
Toews
Waterman

For the House:

McGee, Chairman
Wyatt

MESSAGES FROM THE SENATE

Conference committee report #1 adopted: 4/21/97

HB 264, introduced by Molnar

Governor's amendments concurred in: 4/21/97

SB 365, introduced by Benedict

Governor's amendments concurred in: 4/21/97

HB 572, introduced by Anderson

Conference committee report #2 adopted: 4/21/97

SB 272, introduced by Aklestad

The Senate, on 4/21/97, rejected House amendments to **SB 367**, appointed a conference committee, and requested the House to appoint a like committee to confer on SB 367.

President Aklestad appointed the following members:

Senator Mesaros, Chairman
Senator Thomas
Senator Brooke

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House recess until 11:00 a.m. Motion carried.

House recessed at 8:12 a.m.

House reconvened at 11:00 a.m. Mr. Speaker in the Chair.

Quorum present.

Representative Grinde moved the House recess until 1:30 p.m. Motion carried.

House recessed at 11:01 a.m.

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House reconvened at 1:32 p.m. Mr. Speaker in the Chair.

Roll call. Quorum present.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grimes in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 374 - Representative McGee moved the free conference committee report to SB 374 be adopted. Motion failed as follows:

Ayes: Anderson, Beaudry, Bohlinger, Devaney, Ellis, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Knox, Krenzler, Masolo, McGee, Menahan, Ohs, Pavlovich, Quilici, Rehbein, Rose, Ryan, Sands, Smith, Soft, Story, Tash, Trexler, Wiseman, Zook, Mr. Speaker.
Total 35

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Hagener, Harper, Heavy Runner, Holland, Hurdle, Jore, Kasten, Keenan, Kitzenberg, Kottel, Lawson, Marshall, McCann, McCulloch, Mills, Molnar, Mood, Orr, Pease, Peck, Prouse, Raney, Ream, Schmidt, Simon, Simpkins, Simpson, Sliter, Squires, Stovall, Swanson, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt.
Total 65

Voted Absentee: Knox, Sands, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grimes moved that the Committee of the Whole report be adopted. Report adopted. (73-16)

MESSAGES FROM THE SENATE

Free conference committee report #2 adopted:

4/21/97

HB 252, introduced by Molnar

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MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 20 sponsored by Representative Cobb on April 22, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 68 sponsored by Representative McGee on April 22, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 76 sponsored by Representative Masolo on April 22, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

HOUSE JOURNAL
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Dear Representative Mercer:

Please be informed that I have signed House Bill 172 sponsored by Representative Soft on April 22, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 199 sponsored by Representative Knox et al. on April 22, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 202 sponsored by Representative Galvin et al. on April 22, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 231 sponsored by Representative Barnhart et al. on April 22, 1997.

Sincerely,

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MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 271 sponsored by Representative Harper et al. on April 22, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 479 sponsored by Representative Tuss et al. on April 22, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 594 sponsored by Representative DeBruycker et al. on April 22, 1997.

Sincerely,

MARC RACICOT
Governor

Representative Grinde moved the House recess until 3:00 p.m. Motion carried.

House recessed at 2:26 p.m.

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House reconvened at 3:20 p.m. Mr. Speaker in the Chair.

Quorum present.

MOTIONS

HB 14 - Representative Grinde moved the House reconsider its action on HB 14 taken on third reading the previous legislative day. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 14, free conference committee report, not adopted (due to 2/3 vote requirement) as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Clark, Cocchiarella, Denny, Devaney, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, Menahan, Mills, Mood, Ohs, Pavlovich, Quilici, Rose, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 62

Noes: Adams, Arnott, Barnhart, Bergsagel, Boharski, Carey, Cobb, Curtiss, DeBruycker, Dowell, Ellingson, Ewer, Harper, Heavy Runner, Jore, Kasten, Kottel, McCann, McCulloch, McGee, Molnar, Orr, Pease, Peck, Prouse, Raney, Rehbein, Sands, Simpson, Squires, Tuss, Vick, Wagner, Walters, Wells, Whitehead.

Total 36

Voted Absentee: Knox, Aye; Sands, No.

Excused: None.

Total 0

Absent or not voting: Ream, Ryan.

Total 2

MOTIONS

HB 252 - Representative Molnar moved the House reconsider its action on HB 252 taken on third reading the previous legislative day. Motion failed. (45-51)

HB 252 - Representative Boharski moved that he be removed as a sponsor from HB 252. Motion carried.

Representative Vick moved that he be removed as a sponsor from HB 252. Motion carried.

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ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 10:00 a.m., Wednesday, April 23, 1997. Motion carried.

House adjourned at 3:37 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
April 23, 1997

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Holland. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Knox, Sands, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eighty-fifth and eighty-sixth legislative days, find the same to be correct.

Hayne, Chairman

Mr. Speaker introduced today's honorary page:

Burt Hurwitz, White Sulphur Springs

COMMUNICATIONS AND PETITIONS

OFFICE OF THE SPEAKER

Mrs. Marilyn Miller
Chief Clerk
Montana House of Representatives
Capitol Station
Helena, Montana 59620

April 18, 1997

Dear Marilyn:

I hereby appoint the following members to the Legislative Consumer Council:

Sonny Hanson
Joe Quilici

Sincerely,

John A. Mercer
Speaker

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/23/97
Signed by the Speaker at 5:31 p.m., April 22, 1997: HB 10, HB 17, HB 83, HB 99, HB 122, HB 346, HB 369,
HB 517, HB 9, HB 547, HB 388.

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer

April 22, 1997

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 23, 1997

Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 251 sponsored by Representative Holland et al. on April 22, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 281 sponsored by Representative Ryan et al. on April 22, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 302 sponsored by Representative Bohlinger on April 22, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 337 sponsored by Representative Bohlinger on April 22, 1997.

HOUSE JOURNAL
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Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 447 sponsored by Representative Stovall on April 22, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 22, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 567 sponsored by Representative Squires et al. on April 22, 1997.

Sincerely,

MARC RACICOT
Governor

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House recess until 1:00 p.m. Motion carried.

House recessed at 10:09 a.m.

House reconvened at 1:00 p.m. Mr. Speaker in the Chair.

Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/23/97

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Correctly enrolled: HB 13, HB 164, HB 264, HB 572, HB 169, HB 252.

Examined by the sponsor and found to be correct: HB 13, HB 164, HB 169, HB 264, HB 572.

MESSAGES FROM THE SENATE

The Senate, on 4/23/97, on motion duly carried, dissolved the conference committee on House amendments to **SB 367**, and the President was authorized to appoint a free conference committee. The House is requested to appoint a like committee to confer on SB 367.

President Aklestad appointed the following members:

Senator Mesaros, Chairman
Senator Thomas
Senator Brooke

Representative Ohs moved the House recess until 2:00 p.m. Motion carried.

House recessed at 1:03 p.m.

House reconvened at 2:05 p.m. Mr. Speaker in the Chair.

Quorum present.

MOTIONS

HB 14 - Representative Quilici moved the House reconsider its action on HB 14 taken on third reading the previous legislative day. Motion carried. (81-19)

SB 374 - Representative Bohlinger moved the House reconsider its action on SB 374 taken on third reading the previous legislative day.

Representative Bohlinger withdrew his motion.

SB 374 - Representative Bohlinger moved the House reconsider its action on SB 374 Free Conference Committee report taken on third reading the previous legislative day.

Representative Trexler moved the previous question. Motion carried.

Motion to reconsider SB 374 carried. (59-40)

SB 367 - Representative Grinde moved the House dissolve the conference committee on SB 367 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to SB 367. Motion carried.

Mr. Speaker appointed the following members:

Representative Grinde, Chairman
Representative Denny

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Representative Harper

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House recess until 3:30 p.m. Motion carried.

House recessed at 2:43 p.m.

House reconvened at 3:30 p.m. Mr. Speaker in the Chair.

Quorum present.

Representative Galvin excused at this time.

Representative Ohs moved the House recess until 4:00 p.m. Motion carried.

House recessed at 3:34 p.m.

House reconvened at 4:17 p.m. Mr. Speaker in the Chair.

Roll call. Quorum present.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 2
Report No. 1, April 23, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 2 and recommend that House Bill 2 be amended as follows:

1. Page BP-2, following line 18.

Insert: "NEW SECTION. Section 12. Coordination instruction. If House Bill No. 169 is passed and approved in a form that classifies the pension fund type as not part of the state treasury for appropriation purposes, then the appropriations for the public employees' retirement board and the teachers' retirement board are void"

Renumber: subsequent sections

2. Page A-1, line 4.

Strike: "2,853,734	973,770	3,388,661	437,240"
Insert: "2,842,268	969,036	3,376,976	437,698"

3. Page A-1, following line 10.

Insert: "b. SB 21 -- Joint Committee on Postsecondary Education Policy and Budget (Restricted/Biennial)
20,110" [general fund, fiscal 1998]

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4. Page A-1, following line 19.

Insert: "Of the amount appropriated in section 15, legislative council, item 2, Chapter 593, Laws of 1995, any unexpended funds up to \$415,000 are reappropriated to the legislative services program within the legislative services division. The funds reappropriated to the legislative services program are appropriated for the 1997 biennium for expenses associated with legislative branch information technology.

Item 1 includes a 10% reduction in equipment totaling \$16,200 in fiscal year 1998 and \$14,900 in fiscal year 1999. The agency may allocate this reduction among programs."

5. Page A-1, line 22.

Strike: "1,028,992" [State Special Revenue Fiscal 1999]

Insert: "1,029,735" [State Special Revenue Fiscal 1999]

6. Page A-2, line 3.

Strike: "2,362,634 994,608 2,323,585 994,565"

Insert: "2,526,802 993,552 2,493,147 995,676"

7. Page A-2, line 17.

Strike: "570,704 569,786" [state special, fiscal 1998 & 1999]

Insert: "595,806 594,888" [state special, fiscal 1998 & 1999]

8. Page A-2, following line 22.

Insert: "If House Bill No. 170 is not passed and approved, the appropriation in item 1 is reduced by \$175,012 in fiscal year 1998 and \$174,981 in fiscal year 1999.

Item 1 includes a 10% reduction in equipment totaling \$11,900 in fiscal year 1998 and \$6,700 in fiscal year 1999. The supreme court may allocate this reduction among programs."

9. Page A-3, following line 2.

Insert: "Because House Bill No. 169 requires that the state's contribution to the judges' pension trust fund for the chief water court judge be budgeted, item 5 has been increased by \$25,102 in state special revenue in each fiscal year. If House Bill No. 169 is not passed and approved in a form that requires the contribution to be budgeted, then the state special revenue amounts in item 5 are reduced by \$25,102 in each fiscal year. If House Bill No. 169 is passed and approved and if House Bill No. 170 is passed and approved in a form decreasing the percentage contribution to the pension of the chief water court judge to 25.81%, then the state special revenue appropriations in item 5 are reduced by \$6,436 in each fiscal year."

10. Page A-3, line 5.

Strike: "14,000" [State Special Revenue Fiscal 1999]

Insert: "14,010" [State Special Revenue Fiscal 1999]

11. Page A-3, line 11.

Strike: "1,104,541 1,103,240 246,618"

Insert: "1,084,541 1,083,240 247,033"

12. Page A-3, following line 22.

Strike: lines 23 and 24 in their entirety

Renumber: subsequent subsections

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13. Page A-4, line 18.

Strike: "4D"

Insert: "4c"

14. Page A-7, line 4.

Strike: "25,940" [State Special Revenue Fiscal 1999]

Insert: "27,177" [State Special Revenue Fiscal 1999]

15. Page A-7, line 9.

Strike: "1,553,074" 524,412 1,526,072 524,380"

Insert: "1,495,590" 522,396 1,470,513 522,839"

16. Page A-7, following line 11.

Insert: "b. SB 112 -- Viatical Settlements

10,000 [State Special Revenue Fiscal 1998]

10,000 [State Special Revenue Fiscal 1999]

c. SB 79 -- Montana Living Trust Act

42,715 [State Special Revenue Fiscal 1998]

47,740 [State Special Revenue Fiscal 1999]

d. HB 166 -- Actuarial Valuation (Restricted/Biennial)

6,000 [general fund, fiscal 1998]

e. SB 378 -- Implementation of Kennedy/Kassebaum Federal Changes

63,920 [State Special Revenue Fiscal 1998]

88,485" [State Special Revenue Fiscal 1999]

17. Page A-7, following line 19.

Insert: "Item 2 includes a 10% reduction in equipment totaling \$9,500 in fiscal year 1998 and \$7,100 in fiscal year 1999. The department may allocate this reduction among programs.

Because of the elimination of the statutory appropriation for actuarial valuation of the police retirement fund by House Bill No. 166, item 2d appropriates \$6,000 in general fund money in fiscal year 1998 as a restricted and biennial appropriation. If House Bill No. 166 is not passed and approved in a form that eliminates the statutory appropriation, then item 2d is eliminated."

18. Page A-8, line 1.

Strike: "12,079,357" [State Special Revenue Fiscal 1999]

"408,191" [Federal Special Revenue Fiscal 1999]

"0" [Proprietary Fiscal 1999]

Insert: "12,266,172" [State Special Revenue Fiscal 1999]

"408,275" [Federal Special Revenue Fiscal 1999]

"16,367" [Proprietary Fiscal 1999]

19. Page A-8, line 9.

Strike: "78,646,714" 177,275,710 80,958,609 158,350,379"

Insert: "79,615,694" 176,825,030 80,721,189 157,898,099"

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20. Page A-9, following line 16.

Insert: "Item 2 includes a 10% reduction in equipment totaling \$290,000 in fiscal year 1998 and \$180,000 in fiscal year 1999. The department may allocate this reduction among programs.

It is the intent of the legislature that \$1,318,000 in state special revenue funds augment the department's budgeted funding level for the secondary road system program in the 1999 biennium."

21. Page A-11, line 12.

Strike: "118,149 3,219" [general fund & state special, fiscal 1998]

Insert: "120,750 618" [general fund & state special, fiscal 1998]

22. Page A-11, line 16.

Strike: "291,900 194,600 107,700 71,800" [general fund & state special, fiscal 1998 & 1999]

Insert: "194,600 0 71,800 0" [general fund & state special, fiscal 1998 & 1999]

23. Page A-11, line 18.

Strike: "2,539,262 110,849 2,539,941 111,186 0 0 0"

Insert: "2,520,162 0 2,527,206 0 2,277 0 0"

24. Page A-11, following line 20.

Insert: "b. HB 166 -- Payroll Tax Administration (Restricted)

110,849 111,186" [general fund, fiscal 1998 & 1999]

25. Page A-11, following line 22.

Insert: "a. SB 354 -- Restaurant Beer and Wine Licensing

33,868 [State Special Revenue Fiscal 1998]

13,124" [State Special Revenue Fiscal 1999]

26. Page A-11, line 24.

Strike: "5,002,639 718,838 4,972,419 717,441"

Insert: "5,152,105 186,342 5,121,645 187,022"

27. Page A-11, following line 24.

Strike: line 25 in its entirety

28. Page A-12, line 1.

Strike: line 1 in its entirety

Renumber: subsequent subsection

29. Page A-12, following line 3.

Insert: "b. HB 166 -- Payroll Tax Administration (Restricted)

380,412 379,639" [general fund, fiscal 1998 & 1999]

30. Page A-12, line 7.

Strike: "14,080,779 14,181,851"

Insert: "13,720,497 13,104,141"

31. Page A-12, following line 15.

Insert: "Because of de-earmarking of cigarette tax administration by House Bill No. 166, item 1a has been reduced

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by \$386 in state special revenue in fiscal year 1998 and the general fund amount has been increased by the same amount. If House Bill No. 166 is not passed and approved in a form that de-earmarks the state special revenue, then the general fund amount in item 1a is reduced by \$386 in fiscal year 1998 and the state special revenue amount is increased by the same amount.

Because of de-earmarking of payroll tax administration by House Bill No. 166, item 1a has been reduced by \$2,215 in state special revenue in fiscal year 1998 and the general fund amount has been increased by the same amount. If House Bill No. 166 is not passed and approved in a form that de-earmarks the state special revenue, then the general fund amount in item 1a is reduced by \$2,215 in fiscal year 1998 and the state special revenue amount is increased by the same amount."

32. Page A-12, following line 16.

Insert: "Because of de-earmarking of payroll tax administration by House Bill No. 166, item 1c has been reduced by \$194,600 in state special revenue in fiscal year 1998 and by \$71,800 in state special revenue in fiscal year 1999 and general fund amounts have been increased by the same amounts. If House Bill No. 166 is not passed and approved in a form that de-earmarks the state special revenue, then the general fund amounts in item 1c are reduced by \$194,600 in fiscal year 1998 and by \$71,800 in fiscal year 1999 and the state special revenue amounts are increased by the same amounts.

Because of de-earmarking of payroll tax administration by House Bill No. 166, item 2 has been reduced by \$110,849 in state special revenue in fiscal year 1998 and by \$111,186 in state special revenue in fiscal year 1999 and general fund amounts in item 2b have been increased by the same amounts. If House Bill No. 166 is not passed and approved in a form that de-earmarks the state special revenue, then the general fund amounts in item 2b are eliminated and the state special revenue amounts in item 2 are increased by the same amounts.

Items 2, 4, and 6 include a 10% reduction in equipment totaling \$64,000 in fiscal year 1998 and \$42,000 in fiscal year 1999. The department may allocate this reduction among programs.

If House Bill No. 166 is passed and approved in a form that de-earmarks the payroll tax administration, the legislature will have appropriated \$688,075 in general fund money in fiscal year 1998 and \$562,625 in general fund money in fiscal year 1999 to collect the payroll tax. In addition to the amounts identified for this purpose in items 2b and 4b, item 1a contains \$2,215 in general fund money in fiscal year 1998 and item 1c contains \$194,600 in general fund money in fiscal year 1998 and \$71,800 in general fund money in fiscal year 1999 appropriated for that purpose. It is the intent of the legislature that further legislatures line item and restrict any appropriations to the department for collection of the payroll tax.

Item 3a is contingent upon passage and approval of Senate Bill No. 354.

Because of de-earmarking of cigarette tax administration by House Bill No. 166, item 4 has been reduced by \$133,350 in state special revenue in fiscal year 1998 and by \$133,110 in state special revenue in fiscal year 1999 and general fund amounts have been increased by the same amounts. If House Bill No. 166 is not passed and approved in a form that de-earmarks the state special revenue, then the general fund amounts in item 4 are reduced by \$133,350 in fiscal year 1998 and by \$133,110 in fiscal year 1999 and the state special revenue amounts are increased by the same amounts.

Because of de-earmarking of tax checkoff administration by House Bill No. 166, item 4 has been reduced by \$8,400 in state special revenue in each fiscal year and general fund amounts have been increased by the same amounts. If House Bill No. 166 is not passed and approved in a form that de-earmarks the state special revenue, then the general fund amounts in item 4 are reduced by \$8,400 in each fiscal year and the

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state special revenue amounts are increased by the same amounts.

Because of de-earmarking of 9-1-1 emergency telephone tax administration by House Bill No. 166, item 4 has been reduced by \$7,716 in state special revenue in each fiscal year and general fund amounts have been increased by the same amounts. If House Bill No. 166 is not passed and approved in a form that de-earmarks the state special revenue, then the general fund amounts in item 4 are reduced by \$7,716 in each fiscal year and the state special revenue amounts are increased by the same amounts.

Because of de-earmarking of payroll tax administration by House Bill No. 166, item 4 has been reduced by \$380,412 in state special revenue in fiscal year 1998 and by \$379,639 in state special revenue in fiscal year 1999 and general fund and state special revenue amounts in item 4c have been increased by the same amounts. If House Bill No. 166 is not passed and approved in a form that de-earmarks the state special revenue, then the general fund amounts in item 4c are eliminated and the state special revenue amounts in item 4 are increased by the same amounts."

33. Page A-12, line 17.

Strike: "4b"

Insert: "4a"

34. Page A-14, line 20.

Strike: "7,102"	[State Special Revenue Fiscal 1999]
"10,615"	[Federal Special Revenue Fiscal 1999]
"36,523"	[Proprietary Fiscal 1999]
Insert: "19,161"	[State Special Revenue Fiscal 1999]
"10,621"	[Federal Special Revenue Fiscal 1999]
"81,860"	[Proprietary Fiscal 1999]

35. Page A-14, line 24.

Strike: "918,793	914,029"
Insert: "917,782	913,215"

36. Page A-14, following line 24.

Insert: "a. Federal Funds Capital Projects Match (Restricted/Biennial)	
500,000"	[General Fund, fiscal 1998]

37. Page A-15, line 3.

Strike: "138,750 108,750"

Insert: "90,000 60,000"

38. Page A-15, following line 3.

Insert: "a. HB 166 -- Emergency Telecommunications Administration (Restricted)	
112,636	112,636 [general fund, fiscal 1998 & 1999]
b. Public Safety Radio (Biennial)	
40,000"	[General Fund, fiscal 1998]

39. Page A-15, line 9.

Strike: "1,021,248	996,375"
Insert: "1,017,459	993,389"

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40. Page A-15, lines 11 and 12.

Strike: "359,905 4,500,000" [fiscal 1998]

Insert: "246,554 4,301,803"

41. Page A-15, following line 18.

Insert: "Items 2 and 6 include a 10% reduction in equipment totaling \$4,800 in fiscal year 1998 and \$3,800 in fiscal year 1999. The department may allocate this reduction among programs.

The appropriation in item 2a may be used to match the federal special revenue appropriated in House Bill No. 5 for the construction of one regional correctional facility. If the appropriation is not expected to be expended by the end of the 1999 biennium, it may be reappropriated by the 1999 legislature.

If House Bill No. 14 is passed and approved, the appropriation in item 2a is void.

If House Bill No. 14 is not passed and approved, of the 1.3% of coal severance taxes allocated to the long-range building program fund in the debt service fund type, as provided in House Bill No. 5, 0.5% must be transferred to the general fund and 0.8% must be transferred to an account in the state special revenue fund for the purpose of the protection of works of art in the state capitol and for other cultural and aesthetic projects.

Because of the de-earmarking of emergency telecommunications administrative costs by House Bill No. 166, item 4a appropriates \$112,636 in general fund money in each fiscal year as a restricted appropriation. If House Bill No. 166 is not passed and approved in a form that de-earmarks the administrative costs, then the general fund amounts in item 4a are reduced by \$112,636 in each fiscal year and the state special revenue amounts are increased by the same amounts."

42. Page A-17, line 11.

Strike: "1,321,851 1,304,799" [Pension trust funds, fiscal 1998 & 1999]

Insert: "0 0"

43. Page A-17, line 13.

Strike: "55,074" [Pension trust funds, fiscal 1998 & 1999]

Insert: "0"

44. Page A-17, line 15.

Strike: "12,500 12,500" [Pension trust funds, fiscal 1998 & 1999]

Insert: "0 0"

45. Page A-17, following line 15.

Insert: "c. HB 170 -- Guaranteed Annual Benefit Adjustment

78,500" [Nonexpendable Trust Fund Fiscal 1998]

46. Page A-17, following line 18.

Insert: "If House Bill No. 169 is not passed and approved in a form that classifies the pension fund type as not part of the state treasury for appropriation purposes, then the pension funds appropriated in item 1 are increased by \$1,321,851 in fiscal year 1998 and by \$1,304,799 in fiscal year 1999, the pension funds appropriated in item 1a are increased by \$55,074 in fiscal year 1998 and designated as restricted and biennial, and the pension funds appropriated in item 1b are increased by \$12,500 in each fiscal year and designated as biennial and one-time only."

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47. Page A-17, following line 19.

Insert: "Item 1c is contingent upon passage and approval of House Bill No. 170.

If House Bill No. 169 is passed and approved, the item appropriating \$78,500 in pension trust money and the language making the appropriation contingent upon passage and approval of House Bill No. 170 are void."

48. Page A-17, line 22.

Strike: "956,081 772,361"

[Pension trust funds, fiscal 1998 & 1999]

Insert: "0

0"

49. Page A-17, line 24.

Strike: "31,415"

[Pension trust funds, fiscal 1998 & 1999]

Insert: "0"

50. Page A-18, line 1.

Strike: "7,500

7,500"

[Pension trust funds, fiscal 1998 & 1999]

Insert: "0

0"

51. Page A-18, following line 5.

Insert: "If House Bill No. 169 is not passed and approved in a form that classifies the pension fund type as not part of the state treasury for appropriation purposes, then the pension funds appropriated in item 1 are increased by \$956,081 in fiscal year 1998 and by \$772,361 in fiscal year 1999, the pension funds appropriated in item 1a are increased by \$31,415 in fiscal year 1998 and designated as restricted and biennial, and the pension funds appropriated in item 1b are increased by \$7,500 in each fiscal year and designated as biennial and one-time only."

52. Page B-1, line 5.

Strike: "38,972,386

39,139,907"

[general fund, fiscal 1998 & 1999]

Insert: "39,511,253

39,678,774"

[general fund, fiscal 1998 & 1999]

53. Page B-1, lines 11 and 12.

Strike: lines 11 and 12 in their entirety

Renumber: subsequent subsections

54. Page B-1, line 13.

Following: "Reform"

Strike: "(Restricted)"

55. Page B-1, lines 19 through 22.

Strike: lines 19 through 22 in their entirety

56. Page B-1, following line 22.

Insert: "f. HB 343 -- Domestic Violence (OTO)

126,600

[fiscal 1998 state special revenue]

126,600

[fiscal 1999 state special revenue]

g. SB 48 -- Youth Court Act

89,197

[fiscal 1998 general fund]

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24,249	[fiscal 1998 federal special revenue]
94,769	[fiscal 1999 general fund]
23,692"	[fiscal 1999 federal special revenue]

57. Page B-2, lines 13 and 14.

Strike: lines 13 and 14 in their entirety

58. Page B-2, following line 14.

Insert: "d. SB 374 -- Child Support Provisions of Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996

0 58,551 113,659	[General Fund, State Special, Federal Special, Fiscal 1998]
131,536 341,041"	[State Special, Federal Special, Fiscal 1999]

59. Page B-2, line 16.

Strike: "9,258,042 9,663,432"

Insert: "8,758,042 9,163,432"

60. Page B-2, line 17.

Strike: "45,637,796 46,451,319"

Insert: "46,187,796 46,953,420"

61. Page B-2, line 18.

Strike: "162,487,120 171,353,832"

Insert: "162,537,120 171,340,725"

62. Page B-3, lines 5 through 7.

Strike: lines 5 through 7 in their entirety

Renumber: subsequent subsection

63. Page B-3, line 14.

Strike: "7,532,897	3,472,650	11,835,352	
7,297,484	3,223,860	11,408,934	0"

Insert: "7,493,437	3,447,350	11,780,112	
7,272,493	3,276,831	11,577,951	240"

64. Page B-3, line 25 through page B-4, line 1.

Strike: line 25, page B-3 and line 1, page B-4 in their entirety

65. Page B-3, following line 25.

Insert: "c. Legal Costs (Restricted/Biennial/OTO)"

66. Page B-4, following line 1.

Insert: "120,000" [fiscal 1998 general fund]

67. Page B-4, line 11.

Strike: "21,826,562 21,974,467" [state special revenue]

Insert: "21,777,564 21,925,428" [state special revenue]

68. Page B-5, lines 12 through 21.

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Strike: lines 12 through 21 in their entirety

69. Page B-7, following line 12.

Insert: "Item 1 includes \$438,867 in general fund money each year of the 1999 biennium and is contingent upon passage and approval of House Bill No. 104."

70. Page B-7, line 17.

Strike: "IT"

Insert: "Contingent upon passage and approval of Senate Bill No. 110, it"

71. Page B-7, lines 19 through 21.

Strike: lines 19 through 21 in their entirety

72. Page B-7, following line 21.

Insert: "Item 1g is contingent upon passage and approval of Senate Bill No. 48."

73. Page B-10, following line 5.

Insert: "Item 3d is contingent upon passage and approval of Senate Bill No. 374."

74. Page B-10, following line 7.

Insert: "If House Bill No. 538 is not passed and approved, the general fund appropriation contained in item 4 is reduced by \$50,000 in fiscal year 1998 and \$2,101 in fiscal year 1999 and the federal fund appropriation is reduced by \$50,000 in fiscal year 1998 and increased by \$13,107 in fiscal year 1999."

75. Page B-10, lines 8 through 25.

Strike: lines 8 through 25 in their entirety

76. Page B-12, following line 14.

Insert: "Item 6 includes a 10% reduction in equipment totaling \$120,000 in fiscal year 1998 and \$76,000 in fiscal year 1999. The department may allocate this reduction among programs."

77. Page B-12, lines 15 through 18.

Strike: lines 15 through 18 in their entirety

78. Page B-12, following line 18.

Insert: "Item 7c is a restricted, biennial appropriation to be used for legal costs associated with a lawsuit to move certain individuals at the Eastmont human services center and the Montana developmental center to community living/services."

79. Page B-13, following line 1.

Insert: "It is the intent of the legislature that the department shall provide semiannual reports to the office of budget and program planning and the legislative fiscal division on the status of the mental health access plan contract, including but not limited to implementation status, progress of contract expectations, results of evaluation reports, and any negotiated changes to the mental health access plan contract. The legislative finance committee shall review each report."

80. Page C-1, line 4.

Strike: "3,589,913"

"491,006"

[State Special Revenue Fiscal 1999]

[Federal Special Revenue Fiscal 1999]

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"0"	[Proprietary Fiscal 1999]
Insert: "3,685,406"	[State Special Revenue Fiscal 1999]
"544,278"	[Federal Special Revenue Fiscal 1999]
"1,942"	[Proprietary Fiscal 1999]

81. Page C-3, line 6.

Strike: "4,137,602 508,779	288,962 4,050,704 508,640"
Insert: "4,070,161 484,102	288,250 4,001,700 490,356"

82. Page C-3, line 8.

Strike: "289,799"
Insert: "288,917"

83. Page C-5, following line 23.

Insert: "Item 6 includes a 10% reduction in equipment totaling \$93,000 in fiscal year 1998 and \$68,000 in fiscal year 1999. The department may allocate this reduction among programs."

84. Page C-6, line 1.

Strike: "0"	[State Special Revenue Fiscal 1999]
"0"	[Proprietary Fiscal 1999]
Insert: "21,427"	[State Special Revenue Fiscal 1999]
"15,960"	[Proprietary Fiscal 1999]

85. Page C-6, line 5.

Strike: "1,299,780	1,288,282"
Insert: "1,405,541	1,394,544"

86. Page C-6, line 6.

Strike: " <u>948,405</u>	<u>4,413,277</u>	<u>940,261</u>	<u>4,342,353</u> "
Insert: "945,861	3,910,420	939,043	3,797,272"

87. Page C-6, following line 8.

Insert: "b. HB 546 -- Water Quality Total Maximum Daily Load Program (Biennial)
444,832 503,934" [general fund, fiscal 1998 & 1999]

88. Page C-6, line 12.

Strike: "2,013,199"	[State Special Revenue fiscal 1998]
"1,821,420"	[State Special Revenue fiscal 1999]
Insert: "2,089,887"	[State Special Revenue fiscal 1998]
"1,893,108"	[State Special Revenue fiscal 1999]

89. Page C-7, lines 2 and 3.

Strike: lines 2 and 3 in their entirety

Insert: "The amount of \$507,600 over the biennium in federal funding provided under 33 U.S.C. 1329 must be used to directly address total maximum daily loads."

90. Page C-7, following line 5.

Insert: "If House Bill No. 483 is not passed and approved, the amounts appropriated in item 3 are reduced by \$123,442 in state special revenue and \$842,258 in federal funds in fiscal year 1998 and by \$113,482 in

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state special revenue and \$792,478 in federal funds in fiscal year 1999.

Item 3 includes a 10% reduction in equipment totaling \$38,001 in fiscal year 1998 and \$17,000 in fiscal year 1999. The department may allocate this reduction among programs.

If House Bill No. 546 is not passed and approved, item 3b is void.

If Senate Bill No. 377 is not passed and approved, the state special revenue appropriations in item 5 are reduced by \$76,688 in fiscal year 1998 and by \$71,588 in fiscal year 1999."

91. Page C-7, line 8.

Strike: "72,176 714,303 40,162 74,576 725,715 41,493"

Insert: "69,611 685,787 38,243 71,792 710,376 39,675"

92. Page C-8, following line 8.

Insert: "Item 1 includes a 10% reduction in equipment totaling \$33,000 in fiscal year 1998 and \$35,000 in fiscal year 1999. The department may allocate this reduction among programs."

93. Page C-8, line 11.

Strike: "3,350,701 3,433,602" [state special, fiscal 1998 & 1999]

Insert: "3,400,224 3,512,594" [state special, fiscal 1998 & 1999]

94. Page C-8, line 12.

Strike: "3,200,229 3,167,105" [general fund, fiscal 1998 & 1999]

Insert: "3,225,229 3,192,105" [general fund, fiscal 1998 & 1999]

95. Page C-8, line 17.

Following: line 16.

Insert: "c. Swan Boot Camp Maintenance (Restricted/OTO)

50,032 [State Special Revenue fiscal 1998]

66,454 [State Special Revenue fiscal 1999]

d. Water Rights Claims (Restricted/OTO)

71,100 [State Special Revenue fiscal 1998]

e. Environmental Liability Inventories (Restricted/OTO)

35,000 [State Special Revenue fiscal 1998]

35,000" [State Special Revenue fiscal 1999]

96. Page C-8, line 18.

Strike: "0" [Proprietary Fiscal 1999]

Insert: "959" [Proprietary Fiscal 1999]

97. Page C-8, line 20.

Strike: "1,775,080 58,449 1,814,251 604,379 48,259"

Insert: "1,203,963 91,856 1,213,665 636,046 83,016"

98. Page C-9, line 4.

Strike: "117,927"

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Insert: "1,405,471"
Strike: "122,928"
Insert: "1,411,932"

99. Page C-9, line 6.

Strike: "3,279,428	3,315,515"	[general fund, fiscal 1998 & 1999]
Insert: "3,234,428	3,270,515"	[general fund, fiscal 1998 & 1999]

100. Page C-9, line 8.

Strike: "310,000"	[general fund, fiscal 1998]
Insert: "220,000"	[general fund, fiscal 1998]

101. Page C-9, following line 12.

Insert: "d. HB 166 -- Water Well Contractor Administration (Restricted/Biennial)	
16,000"	[state special, fiscal 1998]

102. Page C-9, line 16.

Strike: "5,014,871	2,351,065	790,452	4,975,256	2,353,748	787,611"
Insert: "4,974,025	2,295,396	784,967	4,938,587	2,302,530	782,498"

103. Page C-10, following line 2.

Insert: "Because of de-earmarking of cabin site sales fees by House Bill No. 166, item 1 has been reduced by \$25,000 in state special revenue in each fiscal year and general fund amounts have been increased by the same amounts. If House Bill No. 166 is not passed and approved in a form that de-earmarks the state special revenue, then the general fund amounts in item 1 are reduced by \$25,000 in each fiscal year and the state special revenue amounts are increased by the same amounts.

If House Bill No. 156 is not passed and approved, items 1c through 1e are void.

Because of the addition of the state lands equalization statutory appropriation by House Bill No. 166, item 2 has been reduced by \$571,117 in general fund money in fiscal year 1998 and by \$600,586 in general fund money in fiscal year 1999. If House Bill No. 166 is not passed and approved in a form that adds the statutory appropriation, then the general fund amounts in item 2 are increased by \$571,117 in fiscal year 1998 and by \$600,586 in fiscal year 1999."

104. Page C-10, following line 10.

Insert: "Because of the elimination of the statutory appropriation for water well contractor administrative costs by House Bill No. 166, item 5d appropriates \$16,000 in state special revenue in fiscal year 1998 as a restricted and biennial appropriation. If House Bill No. 166 is not passed and approved in a form that eliminates the statutory appropriation for administrative costs, then item 5d is eliminated."

105. Page C-10, following line 21.

Insert: "Because of de-earmarking of forest resources stewardship fines by House Bill No. 166, item 7 has been reduced by \$9,443 in state special revenue in each fiscal year and general fund amounts have been increased by the same amounts. If House Bill No. 166 is not passed and approved in a form that de-earmarks the state special revenue, then the general fund amounts in item 7 are reduced by \$9,443 in each fiscal year and the state special revenue amounts are increased by the same amounts.

Item 7 includes a 10% reduction in equipment totaling \$102,000 in fiscal year 1998 and \$93,000 in fiscal

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year 1999. The department may allocate this reduction among programs."

106. Page C-11, following line 7

Insert: "Federal funding provided to the department under 33 U.S.C. 1329 must be used to address water quality impaired streams."

107. Page C-11, line 10.

Strike: "273,575"	[State Special Revenue Fiscal 1999]
"78,968"	[Federal Special Revenue Fiscal 1999]
"27,195"	[Proprietary Fiscal 1999]
"7,687"	[Other Fiscal 1999]
Insert: "287,803"	[State Special Revenue Fiscal 1999]
"81,969"	[Federal Special Revenue Fiscal 1999]
"28,683"	[Proprietary Fiscal 1999]
"7,902"	[Other Fiscal 1999]

108. Page C-11, line 18.

Strike: "6,628"	[Fiscal 1998 General Fund]
Insert: "0"	

109. Page C-11, line 20.

Strike: "111,846"	[General Fund fiscal 1998]
"112,511"	[General Fund fiscal 1999]
Insert: "65,346"	[General Fund fiscal 1998]
"66,011"	[General Fund fiscal 1999]
Strike: "4,162,463"	[State Special Revenue fiscal 1998]
"4,159,874"	[State Special Revenue fiscal 1999]
Insert: "4,208,963"	[State Special Revenue fiscal 1998]
"4,206,374"	[State Special Revenue fiscal 1999]

110. Page C-11, line 24.

Strike: "210,128	3,113,880	75,000	208,727	62,341
210,230	3,105,070	75,000	208,447	62,164"
Insert: "208 179	3,087,500	72,417	207,893	62,087
208,227	3,077,163	72,062	207,561	61,898"

111. Page C-12, following line 17.

Insert: "Item 3 includes a 10% reduction in equipment totaling \$32,000 in fiscal year 1998 and \$34,000 in fiscal year 1999. The department may allocate this reduction among programs."

112. Page C-12, line 24.

Strike: "4,097,680	4,075,910"	[state special revenue]
Insert: "4,146,678	4,136,621"	[state special revenue]

113. Page C-12, following line 24.

Insert: "a. SB 56 -- Private Cemetery Care and Maintenance	
2,112	2,112 [state special revenue]

b. SB 259 -- Licensure of Estheticians and Manicurists

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17,044 14,004 [state special revenue]

c. HB 266 -- Plumber/Electrician Licensure Compliance
51,854 47,881" [state special revenue, fiscal 1998 & 1999]

114. Page C-13, line 1.

Strike: "3,621,708" [Federal Special Revenue Fiscal 1999]

Insert: "3,632,036" [Federal Special Revenue Fiscal 1999]

115. Page C-13, line 2.

Strike: "1,098,778 1,112,718" [general fund]

Insert: "944,278 958,218" [general fund]

116. Page C-13, line 8.

Strike: "332,414 663,765 6,870,804 330,931 660,177 6,867,401

Insert: "330,706 652,251 6,841,026 329,805 653,828 6,846,876"

117. Page C-13, line 10.

Strike: "2,551,603 544,750" [state special revenue]

Insert: "1,051,603 44,750" [state special revenue]

118. Page C-13, line 14.

Strike: "2,222,263" [State Special Revenue Fiscal 1999]

Insert: "2,233,936" [State Special Revenue Fiscal 1999]

119. Page C-13, following line 14.

Insert: "a. HB 388 -- Elimination of City Building Codes Extended Jurisdiction
418,519 [state special revenue, fiscal 1999]

b. SB 286 -- Exterior Building Accessibility Inspections
172,100 141,400" [state special revenue]

120. Page C-14, following line 1.

Insert: "a. HB 63 -- Motor Vehicle Warranty Act
41,338 38,588" [state special revenue]

121. Page C-14, following line 10.

Insert: "The department is appropriated in each of the fiscal years 1998 and 1999 up to \$1 million of state special revenue that is deposited in the account established in [section 17] of Senate Bill No. 83 for the purpose of processing charter applications and for the chartering, examination, and regulation of each foreign capital depository that obtains a charter under the provisions of Senate Bill No. 83.

The department is appropriated up to \$471,449 in fiscal year 1998 and \$474,943 in fiscal year 1999 in either state special revenue or federal special revenue authority for the purpose of funding the state's share of the certified communities program authorized in 90-1-116 (2). These appropriations are contingent upon the department receiving either private or federal grant funds to be used as matching funds for local economic development efforts.

Item 3b is contingent upon passage and approval of Senate Bill No. 259.

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Item 3c is contingent upon passage and approval of House Bill No. 266."

122. Page C-14, line 11.

Strike: "\$2"

Insert: "\$1"

123. Page C-14, following line 15.

Insert: "Item 8a is contingent upon passage and approval of House Bill No. 388.

Item 8b is contingent upon passage and approval of Senate Bill No. 286."

124. Page C-14, following line 15.

Insert: "Item 6 includes a 10% reduction in equipment totaling \$43,000 in fiscal year 1998 and \$28,000 in fiscal year 1999. The department may allocate this reduction among programs."

125. Page D-1, line 4.

Strike: "722,002 726,741"

Insert: "720,602 725,641"

126. Page D-1, line 5.

Strike: "394,289" [Federal Special Revenue Fiscal 1999]

Insert: "396,604" [Federal Special Revenue Fiscal 1999]

127. Page D-2, following line 13.

Insert: "Item 1 includes a 10% reduction in equipment totaling \$1,400 in fiscal year 1998 and \$1,100 in fiscal year 1999. The division may allocate this reduction among programs."

128. Page D-2, line 16.

Strike: "1,778,299" [General Fund Fiscal 1998]

Insert: "1,773,949" [General Fund Fiscal 1998]

129. Page D-2, line 22.

Following "HB 222 IMPLEMENTATION"

Insert: "(Biennial)"

130. Page D-2, line 23.

Strike: "81,963" 158,532"

Insert: "41,963" 78,532"

131. Page D-2, following line 23.

Insert: "d. Bankruptcy Unit

124,344 124,483" [Proprietary Fiscal 1998 and 1999]

132. Page D-3, following line 3.

Insert: "b. SB 354 -- Restaurant Beer and Wine Licensing

91,870 [State Special Revenue Fiscal 1998]

78,370" [State Special Revenue Fiscal 1999]

133. Page D-3, line 5.

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Strike: "7,340,076 398,303 7,139,641 346,496"
Insert: 7,273,429 385,801 7,096,139 331,145"

134. Page D-3, following line 5.
Strike: lines 6 and 7 in their entirety

135. Page D-3, following line 7.
Insert: "a. SB 57 -- Motor Vehicle Tax
80,000 30,000" [General Fund Fiscal 1998 and 1999]

136. Page D-3, line 11.
Strike: "1,158,689" [Federal Special Revenue Fiscal 1999]
Insert: "1,159,326" [Federal Special Revenue Fiscal 1999]

137. Page D-3, line 17.
Strike: "255,093" [State Special Revenue Fiscal 1999]
"9,448" [Proprietary Fiscal 1999]
Insert: "293,923" [State Special Revenue Fiscal 1999]
"11,023" [Proprietary Fiscal 1999]

138. Page D-3, line 21.
Strike: "1,252,246" [General Fund Fiscal 1998]
Insert: "1,249,246" [General Fund Fiscal 1998]

139. Page D-4, following line 19.
Insert: "The amount of \$20,000 in general fund money is appropriated to the department each year from the unexpended portion of House Bill No. 1, following adjournment of the 55th legislature. The funds are to be used to implement House Bill No. 222, habeas corpus reforms."

140. Page D-4, following line 20.
Insert: "The bankruptcy unit funded in item 1d is directed to charge fees commensurate with cost."

Item 2b is contingent upon passage and approval of Senate Bill No. 354.

Item 3 includes a 10% reduction in equipment totaling \$79,149 in fiscal year 1998 and \$58,853 in fiscal year 1999. The department may allocate this reduction among programs. None of the reduction is to be allocated to the highway patrol division."

141. Page D-4, line 23.
Strike: "2,169,776 2,176,524 26,250"
Insert: "2,166,776 2,178,282 26,372"

142. Page D-5, following line 2.
Insert: "c. SB 89 -- Interim Universal Access Program
250,000 500,000" [State Special Revenue]

143. Page D-5, following line 5.
Insert: "Item 1 includes a 10% reduction in equipment totaling \$3,000 in fiscal year 1998 and \$3,000 in fiscal year 1999. The department may allocate this reduction among programs."

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144. Page D-5, line 8.

Strike: "1,330"	[State Special Revenue Fiscal 1999]
"43,073"	[Proprietary Fiscal 1999]
Insert: "3,094"	[State Special Revenue Fiscal 1999]
"51,842"	[Proprietary Fiscal 1999]

145. Page D-5, line 9.

Strike: " <u>9,070,576</u> "	<u>9,688,827</u> "	[General Fund]
Insert: "10,019,115"	10,978,335"	[General Fund]

146. Page D-5, line 13.

Strike: "1,016,264"	1,016,264"	[General Fund]
Insert: "86,660"	55,460"	[General Fund]

147. Page D-5, line 14.

Following: "COMMITTEE"

Insert: " -- HJR 19"

148. Page D-5, line 18.

Strike: " <u>18,136,071</u> "	[general fund fiscal 1998]
<u>18,651,459</u> "	[general fund fiscal 1999]
Insert: "24,521,533"	[general fund fiscal 1998]
26,549,830"	[general fund fiscal 1999]

149. Page D-5, following line 18.

Strike: lines 19 and 20 in their entirety

150. Page D-5, line 22.

Strike: "1,177,911"	1,143,235"	[State Special]
Insert: "1,198,492"	1,196,555"	[State Special]

151. Page D-5, line 24.

Strike: " <u>35,371,968</u> "	<u>38,685,826</u> "	[general fund, fiscal 1998 & 1999]
Insert: "37,379,897"	42,456,862"	[general fund, fiscal 1998 & 1999]

152. Page D-6, following line 10.

Strike: lines 11 through 14 in their entirety

Insert: "The legislature has not appropriated funds to house inmates in a private correctional facility in accordance with House Bill No. 83. However, it is the intent of the legislature that the department issue a request for proposals and enter into a contract with a private vendor during the 1999 biennium for the construction of a correctional facility of approximately 500 beds and the housing of inmates in the facility."

If House Bill No. 14 is not passed and approved, the department may issue a request for proposals and enter into a contract with a private vendor during the 1999 biennium for the construction of a correctional facility of approximately 700 beds and the housing of inmates in the facility."

153. Page D-6, line 15.

Following: "FOR"

Insert: "costs associated with"

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154. Page D-6, lines 15 and 16.

Following: "COMMITTEE"

Strike: the remainder of line 15 through "SENATE" on line 16

Insert: "established in House Joint Resolution No. 19"

155. Page D-6, following line 16.

Insert: "Item 2 includes \$494,892 in general fund money each year of the 1999 biennium and is contingent upon passage and approval of House Bill No. 104.

Item 3 includes a 10% reduction in equipment totaling \$146,000 in fiscal year 1998 and \$120,000 in fiscal year 1999. The department may allocate this reduction among programs."

156. Page D-6, line 25.

Strike: "0" [General Fund Fiscal 1998]

Insert: "25,000" [General Fund Fiscal 1998]

Strike: "0" [General Fund Fiscal 1999]

Insert: "25,000" [General Fund Fiscal 1999]

157. Page D-7, line 2.

Strike: "4,210 345,557 4,542,542 4,205 350,918 4,441,817"

Insert: "4,154 341,581 4,806,044 4,152 347,049 4,937,954"

158. Page D-7, lines 8 and 9.

Strike: 600,509" [State Special Revenue Fiscal 1999]

"422,871" [Federal Special Revenue Fiscal 1999]

"118,374" [Proprietary Fiscal 1999]

Insert: "698,674" [State Special Revenue Fiscal 1999]

"452,883" [Federal Special Revenue Fiscal 1999]

"129,185" [Proprietary Fiscal 1999]

159. Page D-7, line 13.

Strike: "720,331" [Proprietary Fiscal 1998]

Insert: "722,069" [Proprietary Fiscal 1998]

160. Page D-7, line 14.

Strike: "3,833,701" [State Special Revenue Fiscal 1998]

Insert: "4,018,560" [State Special Revenue Fiscal 1998]

Strike: "3,836,270" [State Special Revenue Fiscal 1999]

Insert: "3,829,924" [State Special Revenue Fiscal 1999]

161. Page D-7, following line 16.

Insert: "b. SB 67 -- Workers' Compensation Fraud

84,583 57,760 [Proprietary Funds Fiscal 1998 and 1999]

c. SB 62 -- Vocational Rehabilitation (Restricted)

100,000 100,000 [State Special Revenue Fiscal 1998 and 1999]

d. SB 290 -- Workers' Compensation Regulation Advisory Council

21,600 21,600" [State Special Revenue Fiscal 1998 and 1999]

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162. Page D-7, following line 20.

Insert: "b. Additional Full-Time Employees (OTO)

103,419	38,251	[General Fund Federal Special Fiscal 1998]
77,994	28,847"	[General Fund Federal Special Fiscal 1999]

163. Page D-9, following line 2.

Insert: "Item 2 includes a 10% reduction in equipment totaling \$56,000 in fiscal year 1998 and \$53,000 in fiscal year 1999. The department may allocate this reduction among programs.

If Senate Bill No. 349 is not passed and approved, the appropriation in item 4 is decreased by \$184,859 in state special revenue and \$1,738 in proprietary funds in fiscal year 1998 and increased by \$6,346 in state special revenue in fiscal year 1999.

The appropriation in item 4b is contingent upon passage and approval of Senate Bill No. 67.

The appropriation in item 4d is contingent upon passage and approval of Senate Bill No. 290."

164. Page D-9, line 17.

Strike: "0"	[State Special Revenue Fiscal 1999]
"31,203"	[Federal Special Revenue Fiscal 1999]
Insert: "620"	[State Special Revenue Fiscal 1999]
"35,938"	[Federal Special Revenue Fiscal 1999]

165. Page D-9, line 21.

Strike: "911,706	25,316	2,681,531	918,090	49,170	2,717,176"
Insert: "910,844	25,271	2,679,438	917,245	49,103	2,715,088"

166. Page D-10, following line 18.

Insert: "Item 2 includes a 10% reduction in equipment totaling \$3,000 in fiscal year 1998 and \$3,000 in fiscal year 1999. The department may allocate this reduction among programs."

167. Page E-1, line 4.

Strike: "387,339	5,660,120	385,515"	[state & federal special, fiscal 1998 & 1999]
Insert: "386,814	5,795,320	385,528"	[state & federal special, fiscal 1998 & 1999]

168. Page E-1, line 6.

Strike: " <u>3,761,288</u>	[General Fund Fiscal 1998]
<u>3,763,192"</u>	[General Fund Fiscal 1999]
Insert: "3,552,630	[General Fund Fiscal 1998]
3,560,384"	[General Fund Fiscal 1999]

169. Page E-1, following line 12.

Insert: "b. Industrial Education Support Staff (Restricted)"

170. Page E-1, line 14.

Strike: " <u>0</u>	<u>0</u> "	[General Fund]
Insert: "25,641	22,642"	[General Fund]

171. Page E-1, following line 14.

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Insert: "c. Building Expansion (Restricted)

184,183 [General Fund Fiscal 1998]

178,333 [General Fund Fiscal 1999]

d. Improving Montana Schools (Restricted/Biennial)

350,000" [general fund fiscal 1998]

172. Page E-1, line 22.

Strike: "398,215,083 406,093,083"

Insert: "397,615,083 405,493,083"

173. Page E-2, line 7.

Strike: "33,420,913 33,407,124" [General Fund]

Insert: "32,487,154 32,473,365" [General Fund]

174. Page E-2, lines 10 and 11.

Strike: lines 10 and 11 in their entirety

175. Page E-2, following line 16.

Insert: "Because of de-earmarking of resources and assessments by House Bill No. 166, item 1 has been reduced by \$525 in state special revenue in each fiscal year and general fund amounts have been increased by the same amounts. If House Bill No. 166 is not passed and approved in a form that de-earmarks the state special revenue, then the general fund amounts in item 1 are reduced by \$525 in each fiscal year and the state special revenue amounts are increased by the same amounts."

176. Page E-2, following line 24.

Insert: "Item 1c is for the lease and occupation costs associated with the office of public instruction's building located at 1227 11th avenue.

The office of public instruction shall prepare and submit to the office of budget and program planning and legislative fiscal division revised goals and objectives for the improving Montana schools program commensurate with the amount appropriated. The appropriation provided for in item 1d is contingent upon funds being used to achieve program performance targets as outlined in the budget for the 1999 biennium. The office of public instruction shall provide semiannual reports to the office of budget and program planning and the legislative fiscal division on progress toward achievement of these performance targets, with explanations for any significant variances.

Goal I: Promote challenging academic standards and effective delivery systems for teaching and learning for K-12 education to meet the challenges of today and tomorrow.

Objective 1: By October 1, 1998, with assistance and advice from educators, parents, and the public, the office of public instruction will review the 1989 program area standards and will recommend revisions to the model learner goals associated with the Montana accreditation standards. Model learner goals to integrate instructional technology across the curriculum will be recommended. Technology will be used as the primary tool to maintain effective communication with educators and the public across Montana.

Objective 2: By January 1999, an increased number of Montana schools will link their educational reform efforts with workforce development and economic development by engaging community members, business, labor, parents, and schools in designing a comprehensive, integrated system of education and workforce preparation that reflects

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local needs and that is available to all students.

Performance Measures:

- Revised learner goals are integrated into locally developed curriculum models in all program areas over the 4 years, fiscal years 1998 through 2001.
- Long term - Local assessments are developed to measure student performance and district progress toward achieving model learner goals. Assessment data will assist in the establishment of indicators and benchmarks for the Montana education profile.
- Long term - Effectiveness will be measured by the number of schools demonstrating an increased number of students who are proficient in core academic subjects.
- The number of sustained, intensive professional development opportunities for educators is increased by 30% by fiscal year 2001. Baseline data will be collected for the 1997-98 school year.
- By fiscal year 2001, 30% of the school districts in Montana will have adopted state-of-the-art models for the improvement of curriculum, assessment, instruction, and integrated technology. Baseline data will be collected for the 1997-98 school year.
- The number of schools that integrate school-to-work opportunities into existing educational reform initiatives and existing vocational education programs is increased by 30% by fiscal year 2001. Baseline data will be collected in the 1997-98 school year.
- The number of students with significant involvement in school-to-work programs is increased. Baseline data will be collected in the 1997-98 school year.
- The office of public instruction will identify model curricula and training in applied academics and work-based learning and will increase access to these models to improve its programs and increase workplace experiences linked to the classroom.
- The number of students who have opportunities to integrate academic and occupational learning through school-to-work, applied learning opportunities, vocational education, or work-based learning will increase by 30% by fiscal year 2001. Baseline data will be collected in the 1997-98 school year.

Goal II: Provide the public with a means of assessing the quality and achievements of the K-12 education system in Montana.

Objective 1: By February 1999, the office of public instruction will develop and disseminate a Montana education profile to the Montana public. The profile will be developed with assistance and advice from educators, parents, and the public and will contain indicators and measures of the effectiveness of Montana's K-12 system in the areas of students, staff, academic achievement, finance, and educational programs. Technology will be used as the primary tool to maintain effective communication with educators and the public across Montana.

Objective 2: During fiscal years 1999 and 2000, the office of public instruction will provide technical assistance to districts and communities to assist with the development of local profiles of school and program effectiveness. Technology will provide the primary means of communication.

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Performance Measures:

- The first Montana educational profile will be completed by February 1999. The profile will report the status and achievements of schools or districts in peer groupings and provide a state and national context for comparison.
- By July 2000, 20% of Montana's 469 school districts will voluntarily participate in a pilot project to develop, publish, and distribute local school profiles. All districts will complete, publish, and distribute local profiles by July 2001.
- A survey of state and local policymakers, educators, and community members will indicate that the education profile is accessible, meaningful, and valuable as a tool for school improvement at the local level.
- A survey will indicate that the public is able to identify and draw conclusions from the indicators of educational quality and perceive that it can be actively engaged in the school improvement process.

Goal III: Promote the effective use of technology resources for expanding K-12 educational opportunities.

Objective 1: By July 1, 1999, the office of public instruction will have increased the use of electronic communication technologies to disseminate information on school improvement, professional development opportunities, and education-related data.

Performance Measures:

- By July 1997, the office of public instruction will add two additional toll-free lines to the METNET bulletin board system. By October 1997, user logins via the toll-free lines will increase by 600 calls each day, thereby doubling the number of logins to the bulletin board system.
- In the 1997-98 school year, baseline survey data will be gathered to measure the integration of technology into the classroom. In subsequent years, survey data will measure the advances in this area.
- By January 1999, user participation in educational conferences on METNET will increase by 50%. The 1996-97 school year will provide baseline data.

Goal IV: Improve access to and management of information and data related to K-12 education.

Objective 1: By October 1998, the office of public instruction will expand and improve data collection and management, electronic transmission of data, analysis procedures, and dissemination processes. Improved data collection and management procedures will ensure the accuracy and timeliness of data necessary for reporting indicators and measures to the Montana public.

Objective 2: By January 1999, the data identified for the first statewide Montana education profile will be produced by the office of public instruction in a timely, accurate, comparable, and cost-effective manner.

Objective 3: The process developed by the office of public instruction for gathering and managing education data will decrease processing time and increase access to elementary and secondary school data for educational decisionmaking.

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Performance Measures:

- By July 1998, common definitions, standards, and procedures will be identified and disseminated to ensure accuracy of data collections and cost-effective data-gathering decisions.
- Processing time will improve for data currently collected by districts and the office of public instruction. The 1996-97 school year will serve as a baseline for comparison.
- Education-related data and information will be available to the public in a variety of standard formats (both electronic and printed) and in a variety of locations, including the METNET bulletin board system, libraries, and schools.
- Surveys will indicate that policymakers, educators, and the general public recognize that the data provided assists in public decisions."

177. Page E-3, following line 4.

Insert: "If House Bill No. 104 fails, item 2g is increased by \$933,759 each year."

178. Page E-3, lines 5 and 6.

Strike: lines 5 and 6 in their entirety

179. Page E-3, line 9.

Strike: "10,036" [State Special Revenue Fiscal 1999]

Insert: "10,379" [State Special Revenue Fiscal 1999]

180. Page E-3, line 21.

Strike: "0" [State Special Revenue Fiscal 1999]

Insert: "387" [State Special Revenue Fiscal 1999]

181. Page E-4, line 14.

Strike: "120,241" [State Special Revenue Fiscal 1999]

Insert: "121,391" [State Special Revenue Fiscal 1999]

182. Page E-4, line 18

Strike: "436,900" [Federal Special Revenue Fiscal 1999]

Insert: "437,955" [Federal Special Revenue Fiscal 1999]

183. Page E-5, line 5.

Strike: "1,198,585 174,486 350,084

1,473,264 174,616 410,084"

Insert: "1,187,609 168,422 342,124

1,466,032 172,779 417,348"

184. Page E-5, following line 20.

Insert: "Item 1 includes a 10% reduction in equipment totaling \$25,000 in fiscal year 1998 and \$16,001 in fiscal year 1999. The commission may allocate this reduction among programs."

185. Page E-7, lines 14 and 16.

Strike: "580,266 181,361 52,516 9,907

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<u>583,301</u>	170,795	52,626	5,408"
Insert: "576,589	180,844	50,819	7,998
580,796	172,005	53,503	6,130"

186. Page E-8, following line 5.

Insert: "b. Purchase of Nevada City and Virginia City (Restricted/OTO)
3,837,500 [FY 1998 Cultural and Aesthetics Trust Fund]"

187. Page E-8, following line 13.

Insert: "Item 1 includes a 10% reduction in equipment totaling \$7,800 in fiscal year 1998 and \$5,300 in fiscal year 1999. The agency may allocate this reduction among programs.

Item 5b is contingent upon the failure of House Bill No. 14. The amount of \$3,837,500 in cultural and aesthetics trust fund money is appropriated to the Montana historical society for the acquisition, renovation, and preservation of real and personal property owned by Bovey restorations, inc., and the historic landmark society of Montana in the communities known as Virginia City and Nevada City. If House Bill No. 14 is passed and approved, item 5b is void."

188. Page E-8, lines 16 and 18.

Strike: " <u>126,449,213</u> "	[State Special Revenue Fiscal 1999]
"9,380,739"	[Federal Special Revenue Fiscal 1999]
Insert: "126,449,262"	[State Special Revenue Fiscal 1999]
"9,390,552"	[Federal Special Revenue Fiscal 1999]

189. Page E-8, line 18.

Strike: " <u>90,752,786</u> "	<u>90,998,186"</u>
Insert: "92,752,786	92,998,186"

190. Page E-9, line 5.

Following: line 4

Insert: "b. Summitnet Costs (Restricted)
12,750 12,750" [general fund fiscal years 1998 and 1999]

191. Page E-9, line 6.

Strike: "300,000"
Insert: "200,000"

192. Page E-9, line 19.

Following: line 18

Insert: "10. University System Research
1,000,000 1,000,000" [state special revenue fiscal 1998 and 1999]

193. Page E-11, line 10.

Following: line 9

Insert: "The general fund appropriation in item 1 includes \$929,300 from a reduction in GABA, \$398,700 resulting from legislative action on House Bill No. 561, and \$672,000 from the ending fund balance."

194. Page E-11, line 16.

Following: line 15

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Insert: "Total summitnet costs are estimated to be \$25,000 each year for the community colleges. The general fund appropriation for the community colleges provides 51% of the total summitnet costs. The remaining 49% of these costs must be paid from funds other than those appropriated in item 3b. Summitnet costs for each year may not exceed \$8,000 each for Dawson and Miles community colleges and \$9,000 for Flathead Valley community college."

195. Page E-11, line 19.

Following: line 18

Insert: "The appropriation in item 10 is state special revenue from interest and income repaid from investments administered by the board of science and technology development in research and development projects at Montana public universities. This appropriation is contingent upon passage and approval of House Bill No. 578."

196. Page R-4, line 20.

Strike: "12%" [Proprietary Fiscal 1999]

Insert: "15%" [Proprietary Fiscal 1999]

197. Page R-4, line 24.

Strike: "0.5309" [Proprietary Fiscal 1999]

Insert: "0.5928" [Proprietary Fiscal 1999]

198. Page R-4, line 25.

Strike: "0.2149" [Proprietary Fiscal 1999]

Insert: "0.2768" [Proprietary Fiscal 1999]

199. Page R-4, line 26.

Strike: "0.1928" [Proprietary Fiscal 1999]

Insert: "0.2547" [Proprietary Fiscal 1999]

200. Page R-4, line 27.

Strike: "0.1769" [Proprietary Fiscal 1999]

Insert: "0.2388" [Proprietary Fiscal 1999]

201. Page R-4, line 28.

Strike: "0.1714" [Proprietary Fiscal 1999]

Insert: "0.2333" [Proprietary Fiscal 1999]

202. Page R-5, line 1.

Strike: "3.2829" [Proprietary Fiscal 1999]

Insert: "3.3447" [Proprietary Fiscal 1999]

203. Page R-5, line 2.

Strike: "8.9169" [Proprietary Fiscal 1999]

Insert: "8.9788" [Proprietary Fiscal 1999]

204. Page R-5, line 3.

Strike: "0.1251" [Proprietary Fiscal 1999]

Insert: "0.1870" [Proprietary Fiscal 1999]

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205. Page R-5, following line 28.

Insert: "Surplus Property Program 60-day working capital reserve"

206. Page R-6, line 11.

Strike: "\$611,548" [Proprietary Fiscal 1999]

Insert: "\$987,107" [Proprietary Fiscal 1999]

207. Page R-6, following line 17.

Insert: "7. Because state employee benefit plans require a large number of individual premiums for a variety of benefit options, because the portion of these premiums paid by the state is statutorily established in 2-18-703, and because the employee-paid portion of these premiums must be adjusted from time to time to meet the requirements of 2-18-812(1) to maintain state employee group benefit plans on an actuarially sound basis, the legislature defines "rates and fees" for state employee benefit programs to mean the state contribution toward employee group benefits defined in 2-18-703 and the employee contribution toward employee group benefits necessary to meet the requirements of 2-18-812(1)."

208. Page R-9, line 25.

Following: line 24

Insert: "c. HB 188 -- Proprietary Funds 26,420" [Fiscal 1999]

209. Page R-10, line 17.

Following: line 16

Insert: "MONTANA UNIVERSITY SYSTEM (5100)

1. Because certain programs or functions are enterprise-like in nature, must maintain a business approach in their operations, and may have large numbers of individual rates for the various products sold or services provided for the following programs or functions, the legislature defines "rates and fees" to mean those rates or fees necessary to maintain a fiscal year ending fund balance in the defined range.

<u>Program</u>	<u>Ending Fund Balance Range</u>
University System Flexible Benefits	\$0 to \$100,000
University System Group Insurance	1,000,000 to 2,000,000"

210. Page B-10, lines 4 and 5.

Strike: lines 4 and 5 in their entirety

And this Free Conference Committee report be adopted.

For the House:

Zook, Chairman
Bergsagel
Barnhart

For the Senate:

Swysgood, Chairman
Mohl
Nelson

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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HB 14, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Adams, Arnott, Bitney, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Jore, Kasten, Keenan, McCann, Molnar, Orr, Peck, Prouse, Raney, Rehbein, Vick, Wagner, Walters, Wells.

Total 22

Voted Absentee: Galvin, Knox, Sands, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wiseman in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Representative Zook moved the free conference committee report to HB 2 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Brainard, Curtiss, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Mood, Ohs, Quilici, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Wiseman, Zook, Mr. Speaker.

Total 53

Noes: Adams, Arnott, Barnhart, Bitney, Boharski, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Jore, Kasten, Keenan, Kottel, McCulloch, Molnar, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Squires, Swanson, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt.

Total 47

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Voted Absentee: Knox, Aye; Galvin, Sands, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 578 - Representative Grinde moved consideration of HB 578 be placed below SB 187 on the second reading board. Motion carried.

SB 187 - Representative R. Johnson moved Senate amendments to SB 187 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Adams, Arnott, Clark, Cobb, DeBruycker, Heavy Runner, Jore, Kasten, Keenan, McCann, Orr, Pavlovich, Pease, Peck, Whitehead.

Total 15

Voted Absentee: Galvin, Knox, Sands, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Wiseman moved that the Committee of the Whole report be adopted. Report adopted. (71-25)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Brainard, Curtiss, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne,

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Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Quilici, Rose, Simon, Simpkins, Simpson, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Walters, Wiseman, Zook, Mr. Speaker.

Total 56

Noes: Adams, Arnott, Barnhart, Bitney, Boharski, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Harper, Heavy Runner, Hurdle, Jore, Kasten, Keenan, Kottel, McCulloch, Molnar, Orr, Pease, Peck, Prouse, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Sliter, Squires, Swanson, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wyatt.

Total 44

Voted Absentee: Knox, Aye; Galvin, Sands, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 187, as amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Arnott, Bergsagel, Brainard, Clark, Cobb, DeBruycker, Heavy Runner, Jore, Kasten, Keenan, McCann, Orr, Pease, Peck, Whitehead.

Total 16

Voted Absentee: Galvin, Knox, Sands, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

SB 367 - Representative Harper moved the House reconsider its action on SB 367 taken on second reading the previous legislative day.

Representative Harper withdrew his motion.

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SB 367 - Representative Harper moved SB 367 be taken from the Senate and returned to the House for further action. Motion carried.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 578
Report No. 1, April 23, 1997

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 578 and recommend that House Bill 578 be amended as follows:

1. Title, line 6.

Strike: "BOARD OF INVESTMENTS"

Insert: "DEPARTMENT OF COMMERCE"

2. Title, line 9.

Following: "~~REPAYMENT~~;"

Insert: "REVISING THE CONDITIONS FOR MEMBERSHIP ON THE BOARD; TRANSFERRING A PORTION OF THE INTEREST EARNINGS TO THE SUPREME COURT TO FUND JUDGES' RETIREMENT; AUTHORIZING A GRANT OF INTEREST EARNINGS TO THE UNIVERSITY SYSTEM;"

3. Title, line 10.

Following: line 9

Insert: "2-15-1818,"

4. Title, line 14.

Following: "DATES"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

5. Page 1, line 17.

Insert: "Section 6. Section 2-15-1818, MCA, is amended to read:

"2-15-1818. Montana board of science and technology development -- allocation -- composition -- quasi-judicial powers. (1) There is a Montana board of science and technology development. The board is allocated to the department of commerce. The department shall select, prescribe the duties for, and supervise staff to administer board activities.

(2) The board consists of nine members appointed by the governor as prescribed in 2-15-124.

(3) In making appointments to the board, the governor shall consider people with extensive interest and experience in science and technology and the application of such interest and experience to economic development in Montana.

(4) The membership of the board must include:

(a) at least three members with knowledge of early stage financing of private businesses;

(b) at least one member with expertise in applied technology development; and

(c) at least five members from the private sector.

(5) The board is designated a quasi-judicial board for purposes of 2-15-124.

(6) A member of the board appointed after [the effective date of this section] may not be an officer or an

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employee of an entity that has received funding from the board."

Renumber: subsequent sections

7. Page 6, line 3.

Strike: "not"

8. Page 6, line 21.

Strike: "board"

Insert: "department"

9. Page 6, line 27.

Following: line 26

Insert: "The department shall establish an appropriate repayment schedule for all outstanding research and development loans made to the university system. The department shall report the schedule to the 56th legislature. The department shall develop a business investment strategy for investing in Montana business and shall present the proposal to the 56th legislature."

Strike: "board" on line 27

Insert: "department"

10. Page 6, line 30.

Strike: "\$2 million"

Insert: "\$915,000"

11. Page 7, line 8.

Following: line 7

Insert: "(5) Beginning July 1, 1999, all repayments proceeds in excess of \$4.395 million must be deposited in the coal severance tax permanent fund. In the fiscal year ending June 30, 1998, the department shall transfer \$250,000 from the interest and earnings from job investment loans to the Montana supreme court to be used to fund the judges' retirement system."

12. Page 7, line 22.

Following: "."

Insert: "[The board may grant up to \$2 million of interest and income from investments to research and development projects at Montana public universities. The research and development projects may include grant matching fund purposes.]"

13. Page 7, line 24.

Following: "."

Insert: "Except for \$915,000, all uncommitted seed capital funds must revert to the coal severance tax permanent fund. The department may use up to \$75,000 each year of the seed capital funds for administrative purposes. The board of science and technology development, with the concurrence of the director of the department, may extend an additional loan to an existing seed capital portfolio company by up to \$700,000. In the fiscal year ending June 30, 1998, the department shall transfer \$250,000 of interest and earnings to the Montana Supreme Court to be used to fund the judges' retirement system."

14. Page 7, lines 27 and 28.

Following: "repaid," on line 27

Strike: remainder of line 27 through "loans" on line 28

Insert: "the proceeds of the seed capital portion of the Montana board of science and technology development loans

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must be deposited in the coal severance tax permanent fund until all loans have been repaid plus the amount of 7% simple interest for the years that the loans have been outstanding. The board shall calculate the amount of the interest charge. The board may use up to \$25,000 of the repayments for administrative costs in the fiscal year ending June 30, 1997"

15. Page 8, line 10.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

16. Page 8, lines 19 through 22.

Strike: section 8 in its entirety

Renumber: subsequent sections

17. Page 8, line lines 26 through 28.

Following: "." on line 26

Strike: remainder of line 26 through "." on line 28

18. Page 8, line 29.

Strike: "not deposited into the account"

19. Page 12, lines 4 through 6.

Strike: section 15 in its entirety

Renumber: subsequent section

20. Page 12, line 13.

Insert: "NEW SECTION. Section 15. Coordination instruction. (1) If House Bill No. 2 is vetoed, then the bracketed language in [section 7] is void.

(2) If the bracketed language in [section 7] is effective, then the \$1 million for each fiscal year appropriated from the state special revenue account for university system research contained in House Bill No. 2 is void."

Renumber: subsequent section

21. Page 12, line 16.

Strike: "SECTION 6"

Insert: "Sections 1, 6(5), and 7 and this section"

Strike: "IS"

Insert: "are"

Following: "APPROVAL"

Insert: ", and [section 7] applies retroactively, within the meaning of 1-2-109, to investment payments received on or after April 1, 1997"

And this Free Conference Committee report be adopted.

For the House:

Grinde, Chairman
R. Johnson

For the Senate:

Devlin, Chairman
Taylor
Jergeson

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Free Conference Committee
on Senate Bill 374
Report No. 3, April 23, 1997

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 374, met and considered Senate Bill 374 in its entirety.

We recommend that Senate Bill 374 be amended as follows:

1. Title, line 7.

Strike: "AND"

Insert: ", "

2. Title, line 9.

Following: "HIRES"

Insert: ", AND A DIRECTORY OF NEW HIRES"

3. Title, line 11.

Following: "NUMBERS;"

Insert: "AVAILABILITY OF SOCIAL SECURITY NUMBERS,"

4. Title, lines 19 and 20.

Strike: "ESTABLISHING" on line 19 through "COMMITTEE;" on line 20

5. Title, line 21.

Following: "~~40-4-105,~~"

Insert: "37-1-307, 40-1-107, 40-4-105,"

6. Title, line 29.

Following: "~~50-15-403,~~"

Insert: "50-15-403,"

Following: "~~61-5-107,~~"

Insert: "61-5-107,"

7. Title, line 30.

Following: "DATES"

Strike: "AND"

Insert: ", "

Strike: "A"

8. Title, page 2, line 1.

Strike: "DATE"

Insert: "DATES, AND A TERMINATION DATE"

9. Page 2, line 6.

Strike: "13"

Insert: "15"

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10. Page 2, line 17.

Strike: "9"

Insert: "11"

11. Page 2.

Following: line 20

Insert: "[(1) "Date of hire" means the first day that an employee starts work for which the employee is owed compensation by the payor of income.]"

Renumber: subsequent subsections

12. Page 2.

Following: line 29

Insert: "[(3) (a) "Employee" means a person 18 years of age or older who performs labor in this state for an employer in this state for compensation and for whom the employer withholds federal or state tax liabilities from the employee's compensation.

(b) The term does not include an employee of a federal or state agency performing intelligence or counterintelligence functions if the head of the agency has determined that reporting pursuant to [section 9] with respect to the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.]"

Renumber: subsequent subsections

13. Page 3.

Following: line 16

Insert: "[(8) "Labor organization" means a labor union, union local, union affiliate, or union hiring hall.]"

Renumber: subsequent subsections

14. Page 3.

Following: line 29

Insert: "[(12) "Rehire" means the first day, following a termination of employment, that an employee begins to again perform work or provide services for a payor. Termination of employment does not include temporary separations from employment, such as unpaid medical leave, an unpaid leave of absence, or a temporary or seasonal layoff.]"

Renumber: subsequent subsections

15. Page 5.

Following: line 14

Insert: "[(8) An employer or labor organization shall report a newly hired or rehired employee. Information reported by an employer must be electronically compared to the information data base to align an obligor who owes a duty of support with a source of income. When a match is revealed in a IV-D case, a notice will, if appropriate to the case, be promptly transmitted to the employer directing the employer to commence withholding for the payment of the obligor's support obligation.]"

Renumber: subsequent subsections

16. Page 6, line 12 and line 19.

Strike: "13"

Insert: "15"

17. Page 6, line 29.

Following: "~~other~~"

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Insert: "[social security number, other]"

18. Page 7, line 1.

Following: "~~if any,~~"

Insert: "[social security number, if any,]"

19. Page 12, line 28.

Strike: "9"

Insert: "11"

20. Page 14, line 6.

Insert: "NEW SECTION. Section 9. Directory of new hires --employer reporting requirements. (1) (a) An employer doing business in the state shall report to the department the hiring or rehiring of an employee to whom the employer anticipates paying income.

(b) An employer shall report the hiring or rehiring of an employee by submitting a copy of the employee's completed W-4 form or, at the option of the employer, its informational equivalent or any other format agreed to by the department. The report must include the employee's name, date of hire, social security number, and residential and mailing addresses, and the name, address, and federal identification number of the employer. The report may include the employee's date of birth.

(c) If an employer provides health or medical insurance coverage for an employee and the coverage may be extended to the employee's children, the employer may, along with the date the employee becomes eligible for coverage, provide that information as part of the new hire report under subsection (1)(b).

(2) Transmission of the reports must be by first-class mail, electronic or magnetic transmission, including facsimile transmission, or any other format agreed to by the department. Written reports must be submitted within 20 days of the employee's date of hire or rehire. Reports transmitted electronically or magnetically may be made by two transmissions monthly, if necessary, not less than 12 or more than 16 days apart.

(3) An employer who has employees in two or more states and who transmits new hire reports electronically or magnetically may comply with this section by designating one of the states in which there is an employee and transmitting the report of new hires to that state. A multistate employer who elects to report to only one state shall give written notice of the state to which the employer will transmit new reports. As required by 42 U.S.C. 653a(b)(1)(B), this notice must be transmitted to the secretary of the federal department of health and human services.

(4) An employer providing reports is not liable to the employee for the disclosure or any subsequent use by the processing center of the information."

Renumber: subsequent sections

21. Page 14, line 10.

Following: "department"

Insert: "[and the employee W-4 forms or similar forms transmitted to the department]"

22. Page 17, line 8.

Insert: "NEW SECTION. Section 123. Automated access to financial records -- confidentiality -- no liability -- definitions. (1) For the purposes of this section, unless the context otherwise indicates, the following definitions apply:

(a) "Account" means a savings, checking, deposit and withdrawal, demand deposit, money market, profit and loss, or time deposit account opened by a depositor in a financial institution.

(b) "Depositor" means a person, share account holder, sole proprietor, or joint owner of an account in a financial institution in this state.

(c) "Financial institution" means:

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- (i) a depository institution, as defined in section 3(c) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(c);
 - (ii) an institution-affiliated party, as defined in the Federal Deposit Insurance Act, 12 U.S.C. 1813(u);
 - (iii) any state credit union, as defined in 32-3-102, or federal credit union, as defined in section 101 of the Federal Credit Union Act, 12 U.S.C. 1752, including an institution-affiliated party of such a credit union, as defined in section 206(r) of the act, 12 U.S.C. 1786(r); and
 - (iv) any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in the state.
- (d) "Obligor" means a person who owes a debt for child, spousal, or medical support as determined by the department or as specified by order of a tribunal of competent jurisdiction, the amount of which exceeds \$500 or a total of 3 months debt, whichever is less.
- (2) (a) Upon written request from the department, a financial institution shall run a data match of the department's list of obligors with the financial institution's depositors and provide the information in a computer or other reasonable format accessible by the financial institution. The department may not request the information referred to in this subsection from a financial institution more than once in each calendar quarter.
- (b) The information on an obligor found to be a depositor at a financial institution must include the obligor's full name, social security number or other taxpayer identification number, and account number. If normally kept by the financial institution, the information must also include the mailing address, employment address, and any other information that identifies the obligor.
- (c) The financial institution shall provide the requested information within 30 days of the request from the department.
- (3) The department shall run a computer match of all obligors with the information from the financial institution required in subsection (2). If there is a match between an obligor and a depositor, the financial institution shall, upon request of the department, provide additional information within 30 days, including but not limited to:
- (a) verification of the obligor's full name and social security number;
 - (b) the financial institution's account number;
 - (c) the nature of the account or accounts held by the obligor;
 - (d) the funds available in the account less any preexisting encumbrance held by the financial institution; and
 - (e) any taxes, penalties, interest, or other costs to be legally imposed on the account if the account is accessed prior to a maturity date.
- (4) The amounts available in an obligor's account do not include amounts available pursuant to overdraft coverage offered by the financial institution.
- (5) The financial institution shall honor a subsequent appropriate lien from the department sent to the financial institution.
- (6) (a) A financial institution receiving a data request, data match, or lien from the department may not provide notice to an obligor identified in the information submitted to the department. Failure to provide notice does not constitute a violation of the financial institution's duty of good faith to its customers.
- (b) A notice given by a financial institution to an obligor identified by the department subjects the financial institution to the contempt authority of the department under 40-5-226.
- (7) The department shall pay a financial institution a reasonable fee for providing the information required in subsection (2), not to exceed the actual documented costs incurred by the financial institution.
- (8) Information requested by the department and provided by a financial institution under this section is confidential and may be used only for IV-D purposes. Use of information for any other purpose without the authorization of the department subjects the user to a civil penalty of not more than \$500 per name per use.
- (9) A financial institution is not liable to a person for:

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- (a) a disclosure of information to the department under this section;
- (b) encumbering or surrendering assets held by the financial institution in response to a notice of lien or levy issued by the department; or
- (c) any other action under this section taken in good faith to comply with the requirements of this section as long as the action is reasonable."

Renumber: subsequent sections

24. Page 18, line 20.

Following: "funds"

Insert: "as directed in the income-withholding order"

25. Page 18, line 21.

Strike: "as directed in the income-withholding order"

26. Page 20, line 7.

Strike: "11"

Insert: "13"

27. Page 22, line 6.

Strike: "12"

Insert: "14"

28. Page 23, line 7.

Strike: "13"

Insert: "15"

29. Page 26, line 28.

Insert: "Section 22. Section 37-1-307, MCA, is amended to read:

"37-1-307. Board authority. (1) A board may:

(a) hold hearings as provided in this part;

(b) issue subpoenas and administer oaths in connection with investigations and disciplinary proceedings under this part. Subpoenas must be relevant to the complaint, issued by a majority vote of board members not serving on the screening panel described in subsection (1)(e), and signed by the presiding officer of the board. Subpoenas may be enforced as provided in 2-4-104.

(c) authorize depositions and other discovery procedures under the Montana Rules of Civil Procedure in connection with an investigation, hearing, or proceeding held under this part;

(d) compel attendance of witnesses and the production of documents. Subpoenas may be enforced as provided in 2-4-104.

(e) establish a screening panel that determines whether there is reasonable cause to believe that a licensee has violated a statute or rule justifying disciplinary proceedings. The assigned board members may not subsequently participate in a hearing of the case. The final decision on the case must be made by a majority of the board members who did not serve on the screening panel for the case.

(f) grant or deny a license and, upon a finding of unprofessional conduct by an applicant or license holder, impose a sanction provided by this chapter.

(2) Each board is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose of obtaining confidential criminal justice information regarding its licensees and license applicants.

(3) Each board shall require a license applicant to provide the applicant's social security number as a part of the application. Each board shall keep the social security number from this source confidential, except that a board may provide the number to the department of public health and human services for use in

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administering Title IV-D of the Social Security Act."

Section 23. Section 40-1-107, MCA, is amended to read:

"40-1-107. Form of application, license, marriage certificate, and consent. (1) The director of the department of public health and human services shall prescribe the form for an application for a marriage license, which must include the following information:

- (a) name, sex, address, social security number, and date and place of birth of each party to the proposed marriage;
- (b) if either party was previously married, the party's name, and the date, place, and court in which the marriage was dissolved or declared invalid or the date and place of death of the former spouse;
- (c) name and address of the parents or guardian of each party;
- (d) whether the parties are related to each other and, if so, their relationship; and
- (e) the name and date of birth of any child of whom both parties are parents born prior to the making of the application, unless their parental rights and the parent and child relationship with respect to the child have been terminated.

(2) The director of the department of public health and human services shall prescribe the forms for the marriage license, the marriage certificate, and the consent to marriage."

(3) The license, certificate, or consent may not contain the social security number, and the department shall keep the number from this source confidential, except that the department may use the number in administering Title IV-D of the Social Security Act.

Section 24. Section 40-4-105, MCA, is amended to read:

"40-4-105. Procedure -- commencement -- pleadings -- abolition of existing defenses. (1) The verified petition in a proceeding for dissolution of marriage or legal separation ~~shall~~ must allege that the marriage is irretrievably broken and ~~shall must~~ set forth:

- (a) the age, occupation, and residence of each party and ~~his~~ the party's length of residence in this state;
- (b) the date of the marriage and the place at which it was registered;
- (c) that the jurisdictional requirements of 40-4-104 exist and that the marriage is irretrievably broken in that either:
 - (i) the parties have lived separate and apart for a period of more than 180 days ~~next~~ preceding the commencement of this proceeding; or
 - (ii) there is serious marital discord which adversely affects the attitude of one or both of the parties towards the marriage, and there is no reasonable prospect of reconciliation;
- (d) the names, ages, and addresses of all living children of the marriage and whether the wife is pregnant;
- (e) any arrangements as to support, custody, and visitation of the children and maintenance of a spouse; and
- (f) the relief sought.

(2) Either or both parties to the marriage may initiate the proceeding.

(3) If a proceeding is commenced by one of the parties, the other party must be served in the manner provided by the Montana Rules of Civil Procedure and may within 20 days after the date of service file a verified response. ~~No~~ A decree may not be entered until 20 days after the date of service.

(4) Previously existing defenses to divorce and legal separation, including but not limited to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

(5) The court may join additional parties proper for the exercise of its authority to implement this chapter.

(6) The social security number, if known, of a person subject to a decree of dissolution or a support order must be recorded in the records relating to the matter. The recordkeeper shall keep the social security number from this source confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act."

Renumber: subsequent sections

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30. Page 28, line 2.

Strike: "9"

Insert: "11"

31. Page 29, line 3.

Following: "number."

Insert: "[social security number,]"

32. Page 47.

Following: line 19

Insert: "(d) social security number;"

Renumber: subsequent subsections

33. Page 56, line 3.

Strike: "9"

Insert: "11"

34. Page 57.

Following: line 5

Insert: "[(ii) social security number;]"

Renumber: subsequent subsections

35. Page 58, line 19.

Following: "or"

Insert: "[; or]"

36. Page 58, line 21.

Following: "department"

Insert: "[(h) a financial institution uses information provided by the department pursuant to [section 11] for any other purpose without the authorization of the department]"

37. Page 74, line 22 and line 24.

Strike: "RECEIPT"

Insert: "the date"

38. Page 74, line 26.

Following: "EXISTED."

Insert: "This notice is different from the notice required by 40-5-305."

39. Page 75, line 2.

Following: "delinquent"

Insert: "who has determined that an obligor is delinquent"

40. Page 77, line 16.

Following: line 15

Insert: "required under 40-5-305"

41. Page 77, line 25.

Following: "place"

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Insert: "or continue"

42. Page 78, line 3.

Strike: "or"

Insert: ", "

Following: "order"

Insert: ", or may authorize issuance of an income-deduction order"

43. Page 78, lines 7 and 8.

Strike: "THAT" on line 7 through "OR THAT" on line 8

44. Page 81, line 30 through line 2 of page 82

Strike: "A" on page 81, line 30 through "WITHHOLDING" on line 2 of page 82

Insert: "a delinquency occurs"

45. Page 84, lines 16 and 19.

Strike: "RECEIPT"

Insert: "the date"

46. Page 84, line 21.

Following: "EXISTED."

Insert: "This notice is different from the notice required by subsection (2)(b)."

47. Page 87, line 19.

Strike: "or"

Insert: ", "

Following: "withhold"

Insert: "income, or may issue an order to withhold income"

48. Page 87, lines 28 and 29.

Strike: "OR" on line 28 through "EXISTED" on line 29

49. Page 88, line 21.

Strike: "CONTINUE TO"

50. Page 89.

Following: line 29

Insert: "(b) social security number;"

Renumber: subsequent subsections

51. Page 92, line 1.

Strike: "AND"

Insert: ", "

52. Page 92, line 2.

Following: "~~obligor~~"

Insert: ", and, if known, the social security number of the obligor"

53. Page 103, line 23.

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Strike: "2"

Insert: "11"

54. Page 104.

Following: line 18

Insert: "[(ii) social security number;]"

Renumber: subsequent subsections

55. Page 105, line 13.

Insert: "[(11) The social security number of a person subject to a paternity determination under this part must be recorded in the records relating to the matter. The recordkeeper shall keep the social security number from this source confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]"

56. Page 109, line 11.

Insert: "Section 93. Section 50-15-403, MCA, is amended to read:

"50-15-403. Preparation and filing of death or fetal death certificate. (1) A person in charge of disposition of a dead body or fetus that weighs at least 350 grams at death or, if the weight is unknown, has reached 20 completed weeks of gestation at death shall obtain personal data on the deceased, including the deceased's social security number, if any, or, in the case of a fetal death, on the parents that is required by the department from persons best qualified to supply the data and enter it on the death or fetal death certificate.

(2) The person in charge of disposition of the dead body or fetus shall present the death certificate to the certifying physician or the coroner having jurisdiction for medical certification of the cause of death. The person in charge of disposition shall obtain the completed certification of the cause of death from the physician or coroner and shall, within the time that the department may by rule prescribe, file the death or fetal death certificate with the local registrar in the registration area where the death occurred."

Renumber: subsequent sections

57. Page 110, line 30.

Insert: "Section 95. Section 61-5-107, MCA, is amended to read:

"61-5-107. Application for license, instruction permit, or motorcycle endorsement. (1) Each application for an instruction permit, driver's license, or motorcycle endorsement must be made upon a form furnished by the department. A motorcycle endorsement is required for the operation of a quadricycle. Each application must be accompanied by the proper fee, and payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application. A voter registration form for mail registration as prescribed by the secretary of state must be attached to each driver's license application. If the applicant wishes to register to vote, the department shall accept the registration and forward the form to the election administrator.

(2) Each application must state the full name, date of birth, sex, ~~and~~ residence address of the applicant, and if the application is for a commercial vehicle operator's license, social security number, must briefly describe the applicant, and must state whether:

(a) the applicant has previously been licensed as a driver or commercial vehicle operator, and, if so, when and by what state or country;

(b) any commercial operator license has ever been suspended or revoked; or

(c) an application has ever been refused, and, if so, the date of and reason for suspension, revocation, or refusal.

(3) The department shall keep the applicant's social security number from this source confidential, except that the number may be used for purposes of subtitle VI of Title 49 of the U.S.C. or as otherwise permitted

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by state law administered by the department and may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.

~~(3)~~(4) When application is received from an applicant previously licensed by another jurisdiction, the department shall request a copy of the applicant's driving record from the previous licensing jurisdiction. The driving record may be transmitted manually or by electronic medium. When received, the driving records become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.""

Renumber: subsequent sections

58. Page 116, line 18 through line 30 of page 117

Strike: sections 92 and 93 in their entirety

Renumber: subsequent sections

59. Page 118, line 1 and line 3.

Strike: "9"

Insert: "11"

60. Page 118, line 4 and line 5.

Strike: "10"

Insert: "12"

61. Page 118, line 6 and line 7.

Strike: "11"

Insert: "13"

62. Page 118, line 8 and line 9.

Strike: "12"

Insert: "14"

63. Page 118, line 10 and line 11.

Strike: "13"

Insert: "15"

64. Page 118, line 13.

Strike: "(1)"

65. Page 118, lines 24 through 28.

Strike: subsection (2) in its entirety

66. Page 119, line 16.

Following: "40,"

Insert: "10,"

Strike: "11"

Insert: "13"

67. Page 119, line 19.

Following: "TERMINATION"

Insert: "-- request for federal exemptions"

Strike: "[THIS ACT] TERMINATES"

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Insert: "(1) [Sections 9, 11, 22 through 24, 93, and 95] and the bracketed language in [sections 1 through 3, 10, 25, 45, and 89] terminate"

68. Page 119, line 21.

Following: "PROGRAM"

Strike: "OR"

Insert: "and"

Strike: "ONE OR MORE OF"

69. Page 119, line 22.

Strike: "WELFARE PROGRAMS"

Insert: "program relating to temporary assistance to needy families"

70. Page 119, line 24.

Insert: "(2) [Sections 9, 11, 22 through 24, 93, and 95] and the bracketed language in [sections 1 through 3, 10, 25, 45, and 89] terminate on the date that a final decision is rendered in federal court invalidating the child support provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(3) If the director of the department of public health and human services certifies to the governor and the secretary of state in writing that one of the following provisions is no longer required by federal law because of repeal of or amendment to federal statutes that require that provision, the provision terminates on the date the certification takes effect:

(a) [section 9];

(b) [section 11];

(c) [sections 22 through 24];

(d) [section 93];

(e) [section 95];

(f) the bracketed provisions in [sections 1 through 3, 10, 25, 45, and 89].

(4) If the director of the department of public health and human services certifies to the governor and the secretary of state in writing that the federal government has granted this state an exemption from one of the following provisions, the provision terminates on the date the exemption takes effect:

(a) [section 9];

(b) [section 11];

(c) [sections 22 through 24];

(d) [section 93];

(e) [section 95];

(f) the bracketed provisions in [sections 1 through 3, 10, 25, 45, and 89].

(5)(a) The department of public health and human services shall do everything reasonably within its power to obtain, as soon as possible, federal government exemptions from the provisions listed in subsection (4).

(b) Because section 395(c) of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) allows a grace period for states to amend their constitutions in order to comply with PRWORA and because the Montana legislature believes that the section of PRWORA prohibiting a jury trial in a paternity proceeding violates Article II, section 26, of the Montana Constitution and is therefore rejected, the department of public health and human services shall seek a federal government exemption from the jury trial prohibition in PRWORA as the first exemption it seeks under subsection (5)(a).

(6) [Sections 9, 11, 22 through 24, 93, and 95] and the bracketed language in [sections 1 through 3, 10, 25, 45, and 89] terminate July 1, 1999.

(7) If the bracketed language in [section 1 through 3, 10, 25, 45, and 89] terminates, the code commissioner is instructed to renumber subsections, adjust internal references, and correct grammar and arrangement."

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And that this Free Conference Committee report be adopted.

For the Senate:

Hargrove, Chairman
Toews
Waterman

For the House:

McGee, Chairman
Wyatt

MESSAGES FROM THE SENATE

The Senate, on 4/23/97, acceded to the request of the House and herewith transmits **SB 367** for reconsideration.

Free conference committee report #1 adopted: 4/23/97

HB 2, introduced by Zook

HB 578, introduced by R. Johnson

Free conference committee report #3 adopted: 4/23/97

SB 374, introduced by Hargrove

Free conference committee report #2 adopted: 4/21/97

HB 5, introduced by Bergsagel

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 23, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 58 sponsored by Representative Ewer on April 23, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 23, 1997

Dear Representative Mercer:

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Please be informed that I have signed House Bill 238 sponsored by Representative Peck et al. on April 23, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 23, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 391 sponsored by Representative Rose et al. on April 23, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 23, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 521 sponsored by Representative Ryan on April 23, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 23, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 596 sponsored by Representative Wiseman et al. on April 23, 1997.

Sincerely,

MARC RACICOT
Governor

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The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 23, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 612 sponsored by Representative Hibbard et al. on April 23, 1997.

Sincerely,

MARC RACICOT
Governor

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wiseman in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 578 - Representative Grinde moved the free conference committee report to HB 578 be adopted. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Cocchiarella, Curtiss, Denny, Devaney, Ellis, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Marshall, Masolo, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Quilici, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 62

Noes: Adams, Arnott, Bergsagel, Boharski, Carey, Clark, Cobb, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Hagener, Harper, Heavy Runner, Hurdle, Jore, Kasten, Keenan, Krenzler, Lawson, McCann, McCulloch, Molnar, Orr, Pease, Peck, Prouse, Raney, Ream, Rehbein, Ryan, Sands, Tropila, Tuss, Vick, Whitehead, Wyatt.
Total 38

Voted Absentee: Knox, Aye; Galvin, Sands, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 374 - Representative McGee moved the free conference committee report to SB 374 be adopted.

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Representative Pavlovich moved for cloture. Motion carried.

Motion to adopt report on SB 374 failed as follows:

Ayes: Anderson, Bohlinger, Cocchiarella, Devaney, Ellingson, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Heavy Runner, Hibbard, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McGee, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Rose, Ryan, Sands, Simon, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Tropila, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 49

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Dowell, Ewer, Galvin, Harper, Hayne, Holland, Hurdle, Jore, Kasten, Keenan, Marshall, McCulloch, Mills, Molnar, Mood, Orr, Prouse, Raney, Ream, Rehbein, Schmidt, Simpkins, Simpson, Sliter, Squires, Trexler, Tuss, Vick, Wagner, Walters, Wells, Wyatt.

Total 51

Voted Absentee: Knox, Sands, Ayes; Galvin, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 212 - Representative Raney moved Senate amendments to HB 212 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Brainard, Carey, Cobb, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 72

Noes: Adams, Ahner, Arnott, Bankhead, Bergsagel, Bitney, Boharski, Clark, Curtiss, DeBruycker, Devaney, Grady, Harrington, Hayne, Holland, Jore, Kasten, Keenan, Lawson, Orr, Prouse, Rehbein, Tash, Vick.

Total 24

Voted Absentee: Galvin, Sands, Ayes.

Excused: Knox.

Total 1

Absent or not voting: Cocchiarella, McCann, McGee.

Total 3

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed.

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Mr. Speaker in the Chair. Chairman Wiseman moved that the Committee of the Whole report be adopted. Report adopted. (82-13)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 578, free conference committee report, adopted as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Marshall, Masolo, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Quilici, Ream, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Adams, Arnott, Bergsagel, Carey, Clark, Cobb, DeBruycker, Dowell, Ewer, Galvin, Hagener, Harper, Heavy Runner, Hurdle, Jore, Kasten, Keenan, Lawson, McCann, McCulloch, Molnar, Orr, Pease, Peck, Prouse, Raney, Rehbein, Ryan, Tropila, Tuss, Vick, Wagner, Whitehead, Wyatt.

Total 34

Voted Absentee: Knox, Sands, Ayes; Galvin, No.

Excused: None.

Total 0

Absent or not voting: Krenzler.

Total 1

HB 212 - as amended by the Senate, concurred in as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pease, Peck, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 67

Noes: Adams, Anderson, Arnott, Bankhead, Bergman, Bergsagel, Bitney, Boharski, Clark, Curtiss, DeBruycker, Devaney, Grady, Harrington, Hayne, Holland, Jore, Kasten, Keenan, Lawson, McGee, Orr, Pavlovich, Prouse, Quilici, Rehbein, Simpkins, Tash, Vick.

Total 29

Voted Absentee: Galvin, Sands, Ayes.

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Excused: Knox.
Total 1

Absent or not voting: Hagener, Krenzler, Whitehead.
Total 3

Sergeant-at-Arms Skelton escorted a Senate committee into the House Chambers.

Senators Thomas, Bowman Shea and McNutt informed the House that the Senate was prepared to adjourn sine die.

Sergeant-at-Arms Skelton escorted the committee from the House Chambers.

Mr. Speaker appointed Representatives M. Hanson, Simpkins, Ream and Hurdle to inform the Senate that the House was preparing to adjourn sine die.

Mr. Speaker appointed Representatives Hayne, Cocchiarella, Lawson and Quilici to inform Governor Racicot that the House was preparing to adjourn sine die.

MOTIONS

Representative Harper moved the rules be suspended to permit placement and consideration of SB 367 on second reading this legislative day. Motion failed. (45-50)

SB 374 - Representative Squires moved the House reconsider its action on SB 374 taken on second reading this legislative day.

Representative Boharski made a substitute motion to pass SB 374 for the day. Motion failed. (42-52)

Representative S. Hanson moved the previous question. Motion carried.

Motion to reconsider SB 374 on second reading carried. (57-43)

Representative Brainard moved to adjourn sine die. Motion failed. (33-64)

SB 374 - Representative Prouse moved the House reconsider its action the SB 374 reconsideration motion.

Mr. Speaker ruled the motion out of order.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grinde in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 374 - Representative McGee moved the free conference committee report to SB 374 be adopted. Motion carried

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as follows:

Ayes: Anderson, Barnhart, Bohlinger, Carey, Cocchiarella, Devaney, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 57

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Dowell, Ewer, Grinde, Harper, Hayne, Holland, Jore, Kasten, Keenan, Mills, Molnar, Mood, Orr, Prouse, Raney, Rehbein, Simpkins, Simpson, Sliter, Trexler, Tuss, Vick, Wagner, Walters, Wells, Wyatt.

Total 43

Voted Absentee: Galvin, Knox, Sands, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grinde moved that the Committee of the Whole report be adopted. Report adopted. (57-40)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 374, free conference committee report, adopted as follows:

Ayes: Anderson, Barnhart, Bohlinger, Carey, Cocchiarella, Devaney, Ellingson, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 56

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Dowell, Ewer, Grinde, Harper, Hayne, Holland, Jore, Kasten, Keenan, Mills, Molnar, Mood, Orr, Prouse, Raney, Rehbein, Simpkins, Simpson, Sliter, Trexler, Tuss, Vick, Wagner, Walters, Wells, Wyatt.

Total 43

Voted Absentee: Galvin, Knox, Sands, Ayes.

HOUSE JOURNAL
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 23, 1997

Excused: None.
Total 0

Absent or not voting: Ellis.
Total 1

MOTIONS

SB 374 - Representative Squires moved she be allowed to change her vote on SB 374, third reading, from nay to aye.

Representative Clark objected to the vote change.

Representative Harper moved the rules be suspended to allow Squires to be recorded as voting aye on SB 374, third reading. Motion carried. (66-30)

ANNOUNCEMENTS

Sergeant-at-Arms Skelton escorted the committee sent to the Senate into the House Chambers.

Representatives M. Hanson, Simpkins, Ream and Hurdle reported they had been to the Senate and announced the House was ready to adjourn sine die.

Mr. Speaker discharged the committee.

Sergeant-at-Arms Skelton escorted the committee sent to Governor Racicot into the House Chambers.

Representatives Hayne, Cocchiarella, Lawson and Quilici reported they had seen the Governor and announced the House was ready to adjourn sine die.

Mr. Speaker discharged the committee.

Representative Grinde moved the House adjourn sine die. Motion carried.

House adjourned sine die at 8:01 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
ADDENDUM**

COMMUNICATIONS AND PETITIONS

OFFICE OF THE SPEAKER

Mrs. Marilyn Miller
Chief Clerk
Montana House of Representatives
Capitol Station
Helena, Montana 59620

April 24, 1997

Dear Marilyn:

I hereby appoint the following members to the Reserved Water Rights Compact Commission:

John "Sam" Rose
Toni Hagener

Sincerely,

John A. Mercer
Speaker

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/24/97

Signed by the Speaker at 12:25 p.m., April 24, 1997: HB 169, HB 164, HB 13, HB 572, HB 264, HB 298, HB 339, HB 584, HB 47.

Signed by the Speaker at 12:27 p.m., April 24, 1997: HB 599, HB 101, HB 610, HB 601, HB 49, HB 136, HB 293, HB 117, HB 434, HB 285, HB 27, HB 536, HB 29, HB 163.

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 111 sponsored by Representative Ahner on April 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House

April 24, 1997

HOUSE JOURNAL
ADDENDUM

State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 189 sponsored by Representative Barnett et al. on April 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 193 sponsored by Representative H. Hanson on April 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 222 sponsored by Representative Anderson et al. on April 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 24, 1997

Dear Representative Mercer:

HOUSE JOURNAL
ADDENDUM

Please be informed that I have signed House Bill 266 sponsored by Representative Cocchiarella et al. on April 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 538 sponsored by Representative Keenan et al. on April 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

April 24, 1997

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

Dear Speaker Mercer and President Aklestad:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 284, **"AN ACT ESTABLISHING IN THE STATE SPECIAL REVENUE FUND AN ENVIRONMENTAL REHABILITATION AND PREVENTION ACCOUNT; DEDICATING CERTAIN FINES AND PENALTIES TO THE ACCOUNT; DEDICATING CERTAIN UNCLAIMED OR EXCESS RECLAMATION BOND FUNDS TO THE ACCOUNT OR TO MINING AND RECLAMATION ACCOUNTS; PROVIDING THAT FUNDS BE APPROPRIATED TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR CERTAIN PURPOSES; AMENDING SECTIONS 70-9-301, 75-2-412, 75-2-413, 75-2-427, 75-3-407, 75-5-634, 75-6-109, 75-6-114, 75-10-417, 75-10-418, 75-10-423, 75-10-434, 75-10-542, 82-4-141, 82-4-241, 82-4-311, 82-4-424, AND 82-4-426, MCA; AND PROVIDING AN APPLICABILITY DATE AND A TERMINATION DATE"** for the following reasons.

House Bill 284 proposed the establishment of an Environmental and Rehabilitation Account to be used for reclamation of mine lands and remediation of hazardous waste sites for which the Department of Environmental Quality could not obtain funds from the responsible party. The policy behind House Bill 284 was a worthy one,

HOUSE JOURNAL
ADDENDUM

and I applaud Representative Ohs for introducing the bill.

However, as the legislative session was winding down, in an effort to cover the costs of other ongoing projects, the funding for House Bill 284, amounting to \$250,000 in each year of the biennium, was eliminated. Although I supported the concept behind House Bill 284, I must veto it because it establishes an account for which there are no funds.

Sincerely,

MARC RACICOT
Governor

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/25/97

Delivered to the Governor for his approval at 2:15 p.m., April 25, 1997: HB 568, HB 6, HB 435, HB 361, HB 248, HB 604, HB 551, HB 554, HB 394, HB 146, HB 100, HB 524, HB 171, HB 559, HB 343, HB 331, HB 616, HB 389, HB 188, HB 345, HB 102, HB 398, HB 135, HB 210, HB 78, HB 166, HB 131, HB 5, HB 14, HB 212, HB 399, HB 395, HB 558, HB 344, HB 360, HB 546, HB 508, HB 523, HB 203, HB 183, HB 376, HB 180, HB 120, HB 75, HB 137, HB 104, HB 31, HB 407, HB 531, HB 333, HB 129, HB 173, HB 518, HB 401, HB 323, HB 502, HB 149, HB 47, HB 584, HB 339, HB 298, HB 169, HB 164, HB 13, HB 572, HB 264, HB 599, HB 101, HB 610, HB 601, HB 49, HB 136, HB 293, HB 117, HB 434, HB 285, HB 27, HB 536, HB 29, HB 163, HB 615, HB 607, HB 123, HB 555, HB 74, HB 591, HB 139, HB 483, HB 547, HB 388, HB 9, HB 517, HB 99, HB 17, HB 83, HB 10, HB 346, HB 369, HB 122, HB 168, HB 426, HB 53, HB 134, HB 598, HB 287, HB 371.

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 25, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 4 sponsored by Representative Grady on April 25, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 28, 1997

Dear Representative Mercer:

HOUSE JOURNAL
ADDENDUM

Please be informed that I have signed House Bill 89 sponsored by Representative Kottel on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 28, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 118 sponsored by Representative Grady on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 28, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 151 sponsored by Representative Marshall on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 28, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 184 sponsored by Representative Peck et al. on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

HOUSE JOURNAL
ADDENDUM

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 28, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 185 sponsored by Representative Bergsagel et al. on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 28, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 207 sponsored by Representative Grady on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 28, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 263 sponsored by Representative Dowell et al. on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 28, 1997

HOUSE JOURNAL
ADDENDUM

Dear Representative Mercer:

Please be informed that I have signed House Bill 276 sponsored by Representative Kottel on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 28, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 308 sponsored by Representative Pavlovich et al. on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 28, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 352 sponsored by Representative Sliter et al. on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 28, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 406 sponsored by Representative Bankhead on April 28, 1997.

Sincerely,

HOUSE JOURNAL
ADDENDUM

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 28, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 444 sponsored by Representative Wells et al. on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 28, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 491 sponsored by Representative Rehbein et al. on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 28, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 519 sponsored by Representative Wyatt on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol

April 28, 1997

HOUSE JOURNAL
ADDENDUM

Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 576 sponsored by Representative Cobb et al. on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

April 28, 1997

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 121 sponsored by Representative Simpkins on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

April 28, 1997

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 140 sponsored by Representative Krenzler on April 28, 1997.

Sincerely,

MARC RACICOT
Governor

April 29, 1997

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 13 sponsored by Representative Wiseman on April 29, 1997.

HOUSE JOURNAL
ADDENDUM

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 29, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 17 sponsored by Representative Pavlovich on April 29, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 29, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 135 sponsored by Representative Smith on April 29, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 29, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 166 sponsored by Representative Zook et al. on April 29, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer

April 29, 1997

HOUSE JOURNAL
ADDENDUM

Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 183 sponsored by Representative Masolo et al. on April 29, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 29, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 323 sponsored by Representative Boharski et al. on April 29, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 29, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 344 sponsored by Representative Peck on April 29, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 29, 1997

Dear Representative Mercer:

HOUSE JOURNAL
ADDENDUM

Please be informed that I have signed House Bill 435 sponsored by Representative Harper on April 29, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 29, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 523 sponsored by Representative McCulloch on April 29, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 29, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 568 sponsored by Representative Ohs et al. on April 29, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 29, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 572 sponsored by Representative Anderson et al. on April 29, 1997.

Sincerely,

MARC RACICOT

HOUSE JOURNAL
ADDENDUM

Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 6 sponsored by Representative Bergsagel on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 29 sponsored by Representative Bohlinger on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 31 sponsored by Representative Heavy Runner on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

HOUSE JOURNAL
ADDENDUM

Dear Representative Mercer:

Please be informed that I have signed House Bill 47 sponsored by Representative Ellis on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 49 sponsored by Representative Ellis et al. on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 74 sponsored by Representative Masolo on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 75 sponsored by Representative Hagener et al. on April 30, 1997.

Sincerely,

HOUSE JOURNAL
ADDENDUM

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 120 sponsored by Representative Rose on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 134 sponsored by Representative J. Johnson et al. on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 139 sponsored by Representative Swanson on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House

April 30, 1997

HOUSE JOURNAL
ADDENDUM

State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 171 sponsored by Representative Raney on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 173 sponsored by Representative Equires on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 180 sponsored by Representative Bohlinger on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 188 sponsored by Representative Denny et al. on April 30, 1997.

HOUSE JOURNAL
ADDENDUM

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 210 sponsored by Representative Hayne et al. on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 212 sponsored by Representative Raney et al. on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 264 sponsored by Representative Molnar et al. on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

HOUSE JOURNAL
ADDENDUM

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 285 sponsored by Representative Sliter et al. on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 346 sponsored by Representative Tropila et al. on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 360 sponsored by Representative Menahan et al. on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

HOUSE JOURNAL
ADDENDUM

Dear Representative Mercer:

Please be informed that I have signed House Bill 361 sponsored by Representative Harper et al. on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 398 sponsored by Representative R. Johnson on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 401 sponsored by Representative Barnett et al. on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 430 sponsored by Representative Simon et al. on April 30, 1997.

Sincerely,

HOUSE JOURNAL
ADDENDUM

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 508 sponsored by Representative Devaney et al. on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 518 sponsored by Representative Ewer on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 551 sponsored by Representative Grinde on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House

April 30, 1997

HOUSE JOURNAL
ADDENDUM

State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 607 sponsored by Representative Grinde on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 616 sponsored by Representative Anderson on April 30, 1997.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE SECRETARY OF STATE

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

April 30, 1997

Dear Speaker Mercer:

In accordance with Article VI, Section 10, of the Montana Constitution, and pursuant to 5-4-306, M.C.A., it is incumbent upon me to poll the Legislature to determine their pleasure in the matter of House Bill 284 which was vetoed by the Governor on April 24, 1997.

Sincerely,

MIKE COONEY
Secretary of State

REPORTS OF STANDING COMMITTEES

The daily journal for the eighty-seventh legislative day, was approved by the Chief Clerk and Speaker. 5/1/97

HOUSE JOURNAL
ADDENDUM

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 9 sponsored by Representative Bergsagel on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 14 sponsored by Representative R. Johnson on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 99 sponsored by Representative Trexler on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

HOUSE JOURNAL
ADDENDUM

Dear Representative Mercer:

Please be informed that I have signed House Bill 102 sponsored by Representative Beaudry on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 122 sponsored by Representative McGee on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 123 sponsored by Representative Simpkins on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 136 sponsored by Representative Wiseman on May 1, 1997.

Sincerely,

HOUSE JOURNAL
ADDENDUM

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 137 sponsored by Representative Smith et al. on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 149 sponsored by Representative R. Johnson on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 164 sponsored by Representative Tuss on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol

May 1, 1997

HOUSE JOURNAL
ADDENDUM

Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 248 sponsored by Representative Harper on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 343 sponsored by Representative Grimes et al. on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 369 sponsored by Representative Brainard et al. on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 376 sponsored by Representative Tropila et al. on May 1, 1997.

HOUSE JOURNAL
ADDENDUM

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 388 sponsored by Representative Simon et al. on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 389 sponsored by Representative Simon et al. on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 399 sponsored by Representative Tuss et al. on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer

May 1, 1997

HOUSE JOURNAL
ADDENDUM

Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 534 sponsored by Representative Wells et al. on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 554 sponsored by Representative Simpkins et al. on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 555 sponsored by Representative Simpkins et al. on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

HOUSE JOURNAL
ADDENDUM

Please be informed that I have signed House Bill 598 sponsored by Representative Trexler et al. on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 610 sponsored by Representative Grady et al. on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 1, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 615 sponsored by Representative Cobb et al. on May 1, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

May 1, 1997

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

Dear Speaker Mercer and President Aklestad:

HOUSE JOURNAL
ADDENDUM

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby line-item veto House Bill 5, "AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1999; APPROPRIATING A PORTION OF THE BALANCE IN THE CULTURAL TRUST FUND FOR THE ACQUISITION, RENOVATION, AND PRESERVATION OF HISTORIC PROPERTIES; REVISING THE ALLOCATION OF COAL SEVERANCE TAXES TO THE CULTURAL TRUST FUND; ALLOCATING COAL SEVERANCE TAX REVENUE FOR CULTURAL AND AESTHETIC PROJECTS AND TO PROVIDE DEBT SERVICE ON BONDS USED TO FINANCE THE PROJECTS; ESTABLISHING THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; AUTHORIZING THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION TO ADMINISTER PROPERTIES AT VIRGINIA CITY AND NEVADA CITY AND OTHER CULTURALLY AND HISTORICALLY SIGNIFICANT PROPERTIES; CREATING A MONTANA HERITAGE PRESERVATION AND DEVELOPMENT ACCOUNT; ALLOCATING A PORTION OF THE LODGING FACILITY USE TAX TO THE ACCOUNT; STATUTORILY APPROPRIATING THE ACCOUNT; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; AMENDING SECTIONS 15-35-108, 15-65-121, AND 17-7-502, MCA; AMENDING SECTION 6, CHAPTER 547, LAWS OF 1995; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE" for the following reasons.

House Bill 5 appropriates money for capital projects for the next biennium. Section 20 of the bill provides for the transfer to the long-range building program account general fund reversions for FY97 in excess of \$15.9 million and general fund reversions for FY98 in excess in excess of \$5 million. Section 20 was originally submitted to the 55th Legislature in the form of House Bill 354, which was tabled in the Senate Finance and Claims Committee. It is this section of House Bill 5 that I am line-item vetoing.

The concept of diverting reversions to fund long-range building projects might have some merit but for two compelling reasons that militate against such action. The first concerns the general fund balance. The current projected \$25 million fund balance is, in my opinion, adequate, but certainly not excessive. Unexpended reversions should be used to increase the balance rather than be diverted to the long-range building program account.

Secondly, any reversions diverted pursuant to House Bill 5 into the long-range building program in fiscal years 1997 and 1998 could not be expended during the 1999 biennium. As a result, the 1999 Legislature will determine the usage of unexpended reversions regardless of whether they reside in the ending fund balance or are transferred to the long-range building program.

Consequently, section 20 of House Bill 5 has no substantive operational effect and should be deleted from the bill.

Sincerely,

MARC RACICOT
Governor

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

Delivered to the Governor for his approval at 11:30 a.m., 5/2/97: HB 2, HB 252, HB 578.

5/2/97

MESSAGES FROM THE GOVERNOR

HOUSE JOURNAL
ADDENDUM

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 53 sponsored by Representative Bohlinger on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 83 sponsored by Representative Bergsagel on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 100 sponsored by Representative Soft on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

HOUSE JOURNAL
ADDENDUM

Please be informed that I have signed House Bill 101 sponsored by Representative Bergsagel on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 129 sponsored by Representative Soft on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 146 sponsored by Representative R. Johnson on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 163 sponsored by Representative J. Johnson et al. on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

HOUSE JOURNAL
ADDENDUM

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 168 sponsored by Representative R. Johnson on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 203 sponsored by Representative R. Johnson on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 298 sponsored by Representative R. Johnson et al. on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

HOUSE JOURNAL
ADDENDUM

Dear Representative Mercer:

Please be informed that I have signed House Bill 331 sponsored by Representative Soft et al. on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 333 sponsored by Representative Soft et al. on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 339 sponsored by Representative Carey et al. on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 345 sponsored by Representative Masolo on May 2, 1997.

Sincerely,

HOUSE JOURNAL
ADDENDUM

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 371 sponsored by Representative Ahner on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 407 sponsored by Representative Ewer et al. on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 502 sponsored by Representative Soft et al. on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House

May 2, 1997

HOUSE JOURNAL
ADDENDUM

State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 547 sponsored by Representative Rehbein et al. on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 558 sponsored by Representative Smith et al. on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 559 sponsored by Representative Grimes et al. on May 2, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 2, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 561 sponsored by Representative Kasten et al. on May 2, 1997.

HOUSE JOURNAL
ADDENDUM

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 10 sponsored by Representative Quilici on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 27 sponsored by Representative Simon on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 78 sponsored by Representative Simpkins on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

HOUSE JOURNAL
ADDENDUM

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 104 sponsored by Representative Hagener on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 117 sponsored by Representative Pavlovich on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 131 sponsored by Representative Simon on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

HOUSE JOURNAL
ADDENDUM

Please be informed that I have signed House Bill 169 sponsored by Representative Zook et al. on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 287 sponsored by Representative Wiseman et al. on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 293 sponsored by Representative Orr on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 395 sponsored by Representative Grimes et al. on May 5, 1997.

Sincerely,

MARC RACICOT

HOUSE JOURNAL
ADDENDUM

Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 426 sponsored by Representative Kottel et al. on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 434 sponsored by Representative Hibbard et al. on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 483 sponsored by Representative Mood et al. on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

HOUSE JOURNAL
ADDENDUM

Dear Representative Mercer:

Please be informed that I have signed House Bill 524 sponsored by Representative Anderson et al. on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 536 sponsored by Representative Bohlinger on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 546 sponsored by Representative Tash et al. on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 584 sponsored by Representative Knox et al. on May 5, 1997.

Sincerely,

HOUSE JOURNAL
ADDENDUM

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 591 sponsored by Representative Arnott on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 599 sponsored by Representative Bankhead et al. on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 601 sponsored by Representative Harrington et al. on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House

May 5, 1997

HOUSE JOURNAL
ADDENDUM

State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 604 sponsored by Representative Harper et al. on May 5, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

May 5, 1997

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

Dear Speaker Mercer and President Aklestad:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 394, **"AN ACT REGULATING LOBBYING BY STATE AGENCIES; REQUIRING NOTICE TO THE LEGISLATIVE FINANCE COMMITTEE WHEN A STATE AGENCY LOBBIES THE STATE LEGISLATURE; PROVIDING THAT DEPARTMENT DIRECTORS, STATE EMPLOYEES, AND APPOINTED PUBLIC OFFICIALS MAY NOT ENGAGE IN LOBBYING FOR HIRE WITHOUT A LICENSE ISSUED BY THE COMMISSIONER OF POLITICAL PRACTICES; PROVIDING FOR AN ADMINISTRATIVE PENALTY AND ADMINISTRATIVE ENFORCEMENT; REQUIRING ACTION AND REPORTS BY THE LEGISLATIVE AUDITOR; AND AMENDING SECTION 5-7-102, MCA,"** for the following reasons.

House Bill 394 will have the opposite result from that which the Legislature ostensibly intended. Interpreted literally, as we in the executive branch are bound to do, it will require without exception every state employee who works on "the development or design of a proposal or program intended to be implemented through legislation" to register as a lobbyist.

By the very nature of their responsibilities, an extraordinarily large number of state employees assist in "the development or design of a proposal or program intended to be implemented through legislation," as that phrase is used in House Bill 394's definition of "lobbying." They write and implement administrative rules, gather tax data, crunch numbers, run computer programs, offer constructive criticism on the laws they carry out, propose ideas, all in the search for improving government, through new laws or changes in existing laws, if necessary.

Are these employees "lobbyists?" No, not in the traditional sense that they become involved in the politics of enacting legislation. But House Bill 394 changes the existing lobbying law by requiring those state employees, as

HOUSE JOURNAL
ADDENDUM

well as the 1300 citizens who serve on state boards and commissions, to register as lobbyists if they assist in "the development or design of a proposal or program intended to be implemented through legislation." Although that may not be what the Legislature intended as a result, regrettably that is what the bill does.

Current law requires that state employees who perform traditional lobbying functions, e.g., contacting legislators and policy makers and testifying at legislative hearings, register with and report their lobbying activities to the Commissioner of Political Practices. There are about 150 state employees who do so. They follow the same rules as do private lobbyists, paying the same registration fee and filing reports of lobbying activity at the same intervals, using the same definition of "lobbying." House Bill 394 adds yet another layer of requirements, for state executive branch employees only - new definitions, new reporting forms calling for different information, a new reporting schedule - at the same time requiring compliance with the existing registration and reporting rules.

In addition, the new requirements set forth in House Bill 394 are unduly confusing. One section requires that state employees include a copy of "the written approval" with their report to the Legislative Finance Committee, in spite of the fact that the written approval provisions are no longer in the bill. The confusing phrase, "lobbying for hire" is left in the title and definition section of the bill although its application is unexplained. The "detailed description" of lobbying activities that must be submitted regularly to the Legislative Finance Committee requires duplicate reporting by both the agency and the employees in that agency. On the one hand, the bill exempts written or oral testimony by state employees. Yet on the other hand, it applies to state employees using state time "to support or oppose state legislation." House Bill 394 will cause these confusing and inconsistent provisions to be placed in Montana law along with existing requirements that make sense.

The confusion that House Bill 394 causes is especially significant in light of the fact that one error could cost an employee or an agency up to \$1,000, as provided by the penalty section of the bill, in addition to sanctions already found in existing lobbying statutes.

What purpose is served by House Bill 394's duplicative and conflicting set of requirements? Its supporters initially explained that it was intended to address a situation involving federal legislation and the bill's title reflected that. But federal lobbying was removed altogether from the bill during the legislative session. The bill was originally intended to allow state employees to continue their lobbying activities, but to require advance approval by the Governor. Yet House Bill 394 no longer requires advance approval by the Governor. The bill was then described as intending to prevent state employees from "killing" legislators' proposals. But House Bill 394 does not prevent state employees from lobbying. Rather, it expands the definition of "lobbying" so broadly as to result in the creation of many more state employee lobbyists than ever. As the target of the bill changed, the description of its intentions became more unclear and unnecessary.

House Bill 394 apparently was intended to set up a barrier to lobbying by executive branch agency employees. But the bill does not do that. It instead creates a confusing, duplicative and inconsistent process of notice, registration and filing requirements that consume valuable resources. In short, it does not advance a sound public policy. Accordingly, I hereby veto House Bill 394.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House

May 5, 1997

HOUSE JOURNAL
ADDENDUM

State Capitol
Helena MT 59620

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

Dear Speaker Mercer and President Aklestad:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 517, **"AN ACT REQUIRING A CORPORATION, A LABOR OR PROFESSIONAL ORGANIZATION, OR AN EMPLOYER WHO WITHHOLDS AND DIVERTS A PORTION OF THE WAGES OR SALARY OF AN EMPLOYEE OR MEMBER TO BE USED FOR POLITICAL PURPOSES TO OBTAIN PRIOR AUTHORIZATION FROM THE EMPLOYEE OR MEMBER; REQUIRING DELINEATION OF WAGES OR SALARY WITHHELD ON AN EMPLOYEE'S OR MEMBER'S REGULAR PAYCHECK; ESTABLISHING A PENALTY AND REQUIRING A REFUND TO AN EMPLOYEE OR MEMBER OF ILLEGALLY WITHHELD WAGES OR SALARY; AND AMENDING SECTION 13-37-128, MCA,"** for the following reasons.

House Bill 517, as originally introduced and discussed in public hearings, would have required an employer to inform an employee who voluntarily decided to contribute funds for political purposes of the right to earmark those funds prior to withholding them from the employee's pay. The concept of the introduced legislation appeared to be constructive and fair, and I indicated as much to the primary sponsor of the bill. However, House Bill 517 was amended several times throughout the legislative process, and at one point in the deliberations the earmarking provision was removed in favor of a provision to simply require prior authorization by the employee before withholding funds to be used for political purposes from the employee's pay.

A week before the 55th Legislature adjourned, House Bill 517 was totally re-written by a free conference committee of the House and Senate to require prior authorization by employees and pay-stub delineation by employers, to expand the scope of the bill to include funds used in connection with ballot issues (which was not included in the definition of "political purposes" in any previous version of House Bill 517), and to add employer penalties and refund requirements. The effect of these reversions was to suggest that the expenditure of portions of membership dues required prior authorization by employees, a practice which was not contemplated during the public debate of the bill and has never been required of membership associations. The employer penalty section may result in a civil penalty in the amount of up to \$500 or three times the amount involved in the violation, whichever is greater. In addition, employers are required to refund the amounts involved in the violations.

The final version of House Bill 517 is difficult to understand. Its meaning is especially questionable in light of a pending lawsuit that challenges the prohibition on the use of certain corporate funds on ballot issues, and the recent passage of House Bill 575, which expands that prohibition to include other types of organizations. If the court challenge is unsuccessful, the prohibitions of House Bill 517 will be redundant. If it is successful, the effect of House Bill 517 could be read to prevent labor unions and professional organizations from using their revenue (membership dues) on ballot issues while allowing corporations to use their revenue (profits) to do so.

Because the effect of this measure is so confusing and unclear, because it imposes new and unfunded burdens on employers, because it unfairly makes employers pay triple penalties if they err in the information the bill requires them to add to pay-stubs, and because (depending on the outcome of the litigation previously mentioned) it creates

HOUSE JOURNAL
ADDENDUM

the possibility for unequal treatment among corporations and other entities typically involved in ballot issue campaigns, I hereby veto House Bill 517.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

May 5, 1997

The Honorable Gary Aklestad
President of the Senate
State Capitol
Helena MT 59620

Dear Speaker Mercer and President Aklestad:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 531, **"AN ACT CLARIFYING COUNTY MOTOR VEHICLE RECYCLING AND DISPOSAL PROGRAM RESPONSIBILITIES; SPECIFYING THAT JUNK VEHICLE FLUID REMOVAL MUST BE FUNDED BY JUNK VEHICLE REVENUE; INCREASING THE ANNUAL PAYMENT TO COUNTIES FOR JUNK VEHICLE PROGRAMS; ALLOWING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO INCREASE THE ANNUAL COUNTY PAYMENT; AMENDING SECTIONS 75-10-521, 75-10-532, AND 75-10-534, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE,"** for the following reasons.

House Bill 531, as passed, requires the Department of Environmental Quality to pay 25 cents per motor vehicle under 8,001 pounds licensed in a county or \$1,250, whichever is greater, to each county that has or will have in place by July 1, 1999, an approved junk vehicle fluid removal program.

The source of funding for these payments was to be wrecking facility license fees, motor vehicle disposal fees, proceeds from the sale of junk vehicles, and proceeds from recycling of junk vehicle components. These same funds are already dedicated to county budgets for junk vehicle collection and graveyards. Although there is sufficient money in this account to fund both the base junk vehicle programs and fluid removal programs, the amount actually appropriated for the coming biennium in House Bill 2 is adequate to fund only the current level base junk vehicle programs and not this additional fluid removal effort. Although House Bill 531 as introduced would have given the Department discretion not to fund fluid removal if state funding for the base programs would thereby be made inadequate, the bill as passed requires funding of fluid removal whether or not there is also adequate spending authority for the base junk vehicle programs.

Therefore, because no additional or companion appropriation was made to fund House Bill 531 programs, I am vetoing it. The difficult task of carefully and thoughtfully funding essential government services cannot be accomplished by requiring government to take on additional unfunded responsibilities.

Sincerely,

HOUSE JOURNAL
ADDENDUM

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 7, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 252 sponsored by Representative Molnar et al. on May 7, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 7, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 578 sponsored by Representative Lawson on May 7, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 9, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 2 sponsored by Representative Zook on May 9, 1997.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE SECRETARY OF STATE

The Honorable John Mercer

May 9, 1997

HOUSE JOURNAL
ADDENDUM

Speaker of the House
State Capitol
Helena, Montana 59620

Dear Speaker Mercer:

In accordance with Article VI, Section 10, of the Montana Constitution, and pursuant to 5-4-306, M.C.A., it is incumbent upon me to poll the Legislature to determine their pleasure in the matter of House Bill 394 and House Bill 531 which were vetoed by the Governor on May 5, 1997.

Sincerely,

MIKE COONEY
Secretary of State

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 21, 1997

Governor of the State of Montana

To all to whom these Presents shall come, Greeting:

Know Ye That I, Marc Racicot, Governor of the State of Montana, by virtue of the power vested in me by the Constitution and in pursuance of the Laws, hereby appoint and commission **WILLIAM G. "BILL" THOMAS** as Representative of Legislative District 93 in and for the State of Montana with power and authority to execute and discharge all and singular, the duties appertaining to the office and to enjoy all the privileges and immunities thereof for the term ending January 1, 1999.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE SECRETARY OF STATE

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

May 21, 1997

Dear Speaker Mercer:

This is to inform you that the Appointing Board, comprised of the county commissioners of Cascade County, Fergus County, Judith Basin County, and Petroleum County, met and appointed William G. "Bill" Thomas of Hobson,

**HOUSE JOURNAL
ADDENDUM**

Montana, to fill the vacancy in House District 93 created by the death of Representative Dick Knox.

Sincerely,

MIKE COONEY
Secretary of State

OATH OF OFFICE

STATE OF MONTANA
County of Judith Basin

I, William G. "Bill" Thomas, do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office (State Representative, House District 93) with fidelity (so help me God).

In addition, in accordance with 2-15-114, Montana Code Annotated, I certify that my signature below is my true and correct manual signature, and is in the exact form in which it will appear in facsimile upon any document which I may be required or permitted by law to sign.

William G. Thomas

Sworn to and subscribed this 23 day of May, A.D. 1997.

MESSAGES FROM THE SECRETARY OF STATE

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

June 19, 1997

Dear Speaker Mercer:

In accordance with Article VI, Section 10, of the Montana Constitution, and pursuant to 5-4-306, M.C.A., it was incumbent upon me to poll the Legislature to determine their pleasure in the matters of House Bills 284, 394, and 531. Said polls have been taken and tallied, and below are the results.

HB 284

YEAS - 74
NAYS - 74

Governor's veto upheld.

HB 394

YEAS - 83
NAYS - 67

HOUSE JOURNAL
ADDENDUM

Governor's veto upheld.

HB 531

YEAS - 72

NAYS - 78

Governor's veto upheld.

Sincerely,

MIKE COONEY

Secretary of State

